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MAXIMUM CAR LIMIT BILL

MAXIMUM CAR LIMIT BILL

Stenographic Report of Statements Made by Representatives of the Railway Companies in Virginia, and by Representatives of the Conductors' and Brakemen's Organizations, at Hearings Before Committees of the General Assembly of Virginia, at the 1914 Session, on the

MAXIMUM CAR LIMIT BILL

The Bill as Introduced Prohibited Railway Companies from Handling more than Fifty Cars in One Freight Train

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MAXIMUM CAR LIMIT BILL

At the 1914 meeting of the General Assembly of Virginia a number of bills to regulate railway companies were introduced as *safety measures,* so as to attract the support of members of the legislature and the interest of the public generally, but which were in reality only and solely for the purpose of forcing by law railway companies to employ more men, thus increasing by law the number of men eligible to belong, by reason of their employment, to the various organizations of railway labor. The intent was to increase the membership of these organizations and by force of increased numbers to increase their political power.

In presenting these bills no regard was had for the demands of the business, the interest of the public,—which must pay the freight—or the safety of employees. To increase the number of trains on the road and to increase the number of men on those trains could only result in increased opportunity for train accidents and increased injury of men exposed to the hazard of railroading. Too many men engaged in any hazardous occupation can be just as mischievous as too few, and the passage of these measures would only have resulted in *increased train accidents* and *increased personal injury,* and *increased freight rates* for the roads to be able to *live.*

The following bill designed to limit the number of cars to be handled in any one freight train to fifty was introduced in the Senate by Mr. Montague and in the House by Mr. Birrell:

> A Bill to prohibit railway companies from operating freight trains in this State consisting of more than fifty cars, and to impose a penalty for failure to comply with the provisions of this act.

Patron—Mr. Montague.

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FEB 27 1915

Referred to Committee on Roads and Internal Navigation.

Section 1. Be it enacted by the General Assembly of Virginia, that it shall be unlawful for any railroad company, terminal company, corporation, firm, individual, receiver or trustee, operating a railroad in the State of Virginia, to run or permit to be run over its tracks outside of yard limits, a freight train consisting of more than fifty (50) cars of either loads or empties.

Section 2. Any railroad company, terminal company, corporation, firm, individual, receiver or trustee, violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred ($500.00) dollars for each offense.

Section 3. Prosecutions under this act shall be made by the Commonwealth's Attorney in any court of competent jurisdiction in any county or municipal corporation in or through which the train of such railroad may run.

The bill was pressed before the Committee on Roads and Internal Navigation of the House and the Senate of Virginia by the Order of Railway Conductors, assisted by the members of the Order of Railway Trainmen. The Brotherhood of Railway Enginemen (B. of L. E.) did not endorse this measure, and some enginemen appeared before the committees in opposition thereto. This particular bill, and measures of this kind generally, are of such far reaching effects and so thoroughly unnecessary and would have resulted in such tremendously increased expenses, as well as accidents and injuries, that a stenographic report was taken of the hearings before the two committees mentioned, and it follows in full.

On February 9th, 1914, the House Committee held its first hearing on this bill, as follows:

The following is a list of witnesses and advocates who appeared for and against the bill:

For the Bill:

J. A. Dodson, Legislative Representative, Order of Railway Conductors.

W. N. Doak, General Chairman, Brotherhood of Railway Trainmen, Norfolk & Western Railway Company.

Hon. C. J. Meetze, Member House of Delegates from Prince William County.

Hon. J. Fred Birrell, Member House of Delegates from Alexandria County (Patron of Bill).

C. C. Horn, General Chairman, Order Railway Conductors, Norfolk & Western Railway Company.

Draper, Conductor, N. & W. Ry.

Against the Bill:

Mark W. Potter, President, C. C. & O. Ry.

N. D. Maher, Vice President, N. & W. Ry.

M. J. Caples, Vice President, C. & O. Ry.

Geo. P. Johnson, General Manager, C. & O. Ry.

J. Berlingett, Assistant General Manager, Virginian Railway.

W. H. Wells, Engineer, Virginian Railway.

L. H. Phetteplace, General Superintendent, C. C. & O. Ry.

W. E. Hutchens, General Superintendent, Southern Railway.

W. H. Newell, General Superintendent, Atlantic Coast Line Ry.

W. S. Battle, Jr., General Claim Agent, N. & W. Ry.

J. D. Hester, Superintendent, Shenandoah Division, N. & W. Ry.

S. Nicholson, Trainmaster, Norfolk Division, N. & W. Ry.

C. T. Heslip, Engineer, N. & W. Ry.

C. M. Kidd, Air Brake Inspector, N. & W. Ry.

C. D. Maxey, Engineer, N. & W. Ry.

Hon. M. F. Love, Member House of Delegates, Lunenberg County.

Mr. Kennedy, Business Man, Lunenberg County.

W. B. Fitzhugh, Business Man, Eastern Shore of Virginia.

The following counsel appeared for the railway companies in opposition to the measure:

H. G. Buchanan, Norfolk & Western Railway.

W. B. McIlwaine, Atlantic Coast Line and Southern Railways.

W. D. Cardwell, C. & O. and R. F. & P. Railways.

L. L. Scherer, General Claim Agent, C. & O. Ry.

Walter H. Taylor, Virginian Railway.

H. G. Morison, C. C. & O. Ry.

R. P. Bruce, C. C. & O. Ry.

CAR LIMIT BILL

Hearing before Committee on Roads and Internal Navigation of the House of Delegates of Virginia,
Feb. 9th, 1914. Feb. 11th, 1914.

February 9th, 1914, 10 A. M.

The Chairman: We are ready to proceed.

Mr. Dodson: There are a number of witnesses here that will want to be heard in connection with this bill. I want to say in the beginning that we feel that we have an absolute right to present this bill to the Legislature of Virginia and to explain the conditions which justify the presentation of it. We want to produce evidence which shows that a bill of this kind is absolutely necessary in order to protect the lives and limbs of not only employees of these roads operating in the State of Virginia, but the traveling public as well; and we have got a number of specific cases here to cite that will show cases of personal injury and death and narrow escapes to the lives of the traveling public handled over these different roads. We have a gentleman here from the Norfolk & Western who is very much more familiar with these cases and the data submitted than I am, and I would like to introduce to you Mr. W. N. Doak, representative of the Brotherhood of Railway Trainmen of the Norfolk & Western.

Mr. Doak: *Mr. Chairman and Gentlemen of the Committee*: As a matter of fact, I had not intended to present this;

but my colleague is absent at this time, delayed on account of a wreck; but I am fairly well familiar with the data that he had compiled, and I will read it for your information (Reading).

Roanoke, Virginia, January 31st, 1914.

To the Members of the General Assembly of the State of Virginia; Richmond, Virginia.

Gentlemen: We, the undersigned committee, respectfully submit for your consideration the following brief relative to a measure known as the Car Limit Bill now pending in both Houses.

For some years the employees have been striving through their Committee to obtain a reduction in trains by limiting the same to the capacity of one engine in order to give them a reasonable degree of safety, but so far our efforts have been unsuccessful.

It has become the well established and recognized fact by the public that the several States and National Government have the undisputed right to regulate railways in matters of general interests and general safety, therefore, being unable to regulate the number of cars in each train to the capacity of one engine through our Committee, we are, therefore, compelled to resort to legislation in order to give the employees as much protection to life and limb as can reasonably be given in this class of service.

As to the necessity of such laws, a brief review of the reports of the Interstate Commerce Commission for the past twenty-four years, and the daily occurrence of accidents due, we believe, to the long train, will reveal the fact that there should be a maximum number of cars in each train run.

The Commission's report shows, "that in each one hundred and sixteen minutes, one employee is killed, and each seven minutes one employee injured." In dealing further with this subject the following figures taken from the Commission's re-

port covering the last twenty-four years are very convincing and show the appalling number of casualties on American railways.

"There were killed 188,037 persons, and injured 1,395,618 persons, making a total of 1,583,655, or an average of 7,835 killed, and 58,150 injured, or a total annually of 66,000 persons killed and injured."

Further investigation shows that at least 4,000 trainmen are killed annually, 16,000 seriously injured, and 12,000 suffer minor injuries necessitating a loss of three or more days lay-off. In dealing further with this question we find that with all of the safety appliances and devices the number of deaths and injuries are increasing, which, we believe, is attributable to the increased number of cars handled in each train; and by further comparison we find for the first quarter of 1911 there were 105 employees killed in train accidents, and in the first quarter of 1912, 209 killed, or an increase of 100 per cent. We also find 33 passengers killed in 1912 for first quarter as compared with 28 for the same period of 1911, or an increase of 5. The total number of all persons killed during the first quarter of 1912 as compared with the same period of 1911 were 1,428 against 1,411.

Now, in regard to the accidents and personal injuries occurring almost daily throughout the country, we desire to quote a few taken from statements of accident reports of the men affected, and which covers a period of about three years.

No. 1. Air hose burst on lead engine in a train consisting of four engines and eighty-four cars. The concussion was so great on the rear of train that the conductor and brakeman were knocked out of cupola to floor of caboose with such force that they were rendered unconscious. They were unable to proceed with train and returned home by passenger train. Upon arrival at station they were unable to walk, were taken home in the ambulance.

No. 2. A knuckle pin broke in coupler on fifth car from engine in a train consisting of two engines and seventy-five cars. Concussion so great from the sudden

stop that the conductor was knocked out of cupola of caboose, injuring his back to such an extent that he was under the care of a physician for seventeen days.

No. 3. A coupler broke on the thirty-second car from engine in a train consisting of two engines and seventy-six cars, derailing two cars. In derailing the two cars, the concussion was absorbed to such an extent that the remaining cars did little damage to rear of train. No one injured.

No. 4. The slack in a train consisting of two engines and eighty-nine cars ran up smashing one car and breaking drawbars in two other cars. The demolition of the car and breaking of drawbars absorbed the shock to such an extent that no injury to men in caboose occurred.

No. 5. Train parted eighth car from engine in a train consisting of two engines and eighty-five cars. Concussion on rear of train that brakeman was knocked down in caboose, with result being badly bruised and three ribs broken. Confined to hospital some time.

No. 6. A train, consisting of two engines and fifty cars, parted while train was in motion, injuring the conductor. This conductor was out of service five months due to the injury.

No. 7. A train, consisting of two engines and ninety-eight cars, broke coupler out of second car from engines, and the concussion caused by the sudden stop derailed the fiftieth and fifty-first cars from engines, throwing these cars across and blocking eastbound track. A passenger train had just passed and was not out of sight when the accident occurred.

No. 8. A train, consisting of two engines and one hundred cars, was entering a station when a signal was thrown to danger. The brake was put in emergency which caused the forty-eighth and forty-ninth cars from engine to derail, blocking eastbound track and knocking track out of line about five feet. Two passenger trains were past due at this station at time of accident; had

they been on time, it is hard to say what would have happened.

No. 9. A train, consisting of two engines and one hundred cars, burst an air hose near the engine which caused an all steel car near the caboose to buckle, blocking the eastbound track. The brakeman was knocked off the caboose platform and badly shaken up, but recovered in time to run ahead and flag an approaching train on opposite track, and then go back to rear of his train and flag a passenger train that was following closely.

No. 10. A train, consisting of two engines and one hundred cars, broke knuckle pin in tenth car from engine. The brake going to emergency caused the eighty-first and eighty-seventh cars from engine to buckle, blocking eastbound track just as a heavy freight train was approaching from another direction. This train being unable to stop ran into the cars derailed, stripping cabs from engines, killing one of the firemen, injuring the other, and one brakeman.

The public, the Government, and the railways themselves, are expecting safer movement of trains, and it is proper that every safeguard should be thrown around train operation to avoid the possible dangers of unnecessary risks or chances, yet there have been large increases in tonnage which of necessity increase the danger and responsibilities of employees, therefore, it seems proper that there should be laws requiring a reasonable number of cars in all trains to properly handle them with safety. We believe that it is of as much importance as any other public question that should require the attention of our lawmakers and most especially so when taking into consideration the appalling loss of life and limb annually upon our railways in conducting public transportation. This measure has for its prime object the preservation of human life and limb, and is not prompted by selfish motives as some have said, but to the contrary is proposed by the employees from practical knowledge and experience, whose daily work teaches them the necessity of such action.

In practically every state of the Union, the railroads have adopted the "Safety First Movement." They are expending large sums of money for the purpose of better educating the employees the strict necsssity of obeying the laws of self-preservation and the preservation of life and limb of their fellow employees and the public. Not only the railroads have taken up this important question, but the schools are teaching "Safety First" to the little ones. We ask, what could be of more importance to these little ones than securing the passage of this measure? Would it not provide that degree of safety to the husbands and fathers to which the wives and little ones are justly entitled?

We quote from a pamphlet issued by the Safety Commission of the Norfolk & Western Railway, which says, in part:

> "After many experiments, some in the right direction, others failures, the Safety Movement was evolved. It is still largely experimental, but that it will ultimately be of the greatest benefit, both to employees and the railways, has been demonstrated beyond a doubt. Employees are losing time, limbs, and lives; their wives are losing husbands; their children are losing fathers; while employers are losing by that reduction in efficiency which results from constantly putting in service new, green men to take the places of experienced men injured and killed.
>
> "During the three months, ending June 30th, 1913, eleven hundred and thirty-four (1,134) employees of this line were killed or injured."

We also desire to quote the opinion of the Public Service Commission of New York, concerning accident at Corning, N. Y., July 4th, 1912:

> "To secure radical improvement in the absolute prevention of railroad accidents it is the clear duty of organizations of employees, for the protection of themselves as well as the public, to coöperate vigorously and efficiently with the management in the strict enforcement of all rules affecting safety."

"Safety First," as a watchword, if of any value, must be followed through thick and thin; success is not the only consideration; if success eludes pursuit, all proper efforts must nevertheless be continued. A reduction in the number of fatal or non-fatal accidents in a month or a year is an encouragement; but the duty of conserving lives and limbs remains, even if evidence of success is defeated.

In connection with safety, we desire to call attention to example No. 1, as given on preceding page, in which the conductor and flagman were rendered unconscious, and call attention to the dangers connected with an accident of this nature, two men whose duties require them to protect approaching trains, both of them having been rendered unconscious, suppose, for instance, there had been a passenger train following this train, or even a freight train, and had run into this disabled train, the results would have been at least two deaths and possibly a score of them.

Take example No. 2, in which this conductor was injured to the extent that he was under the doctor's care for a period of seventeen days. Take example No. 5, in which this brakeman was injured to such an extent that he was confined in the hospital for some time, or, take example No. 6, where this conductor was severely injured, and was out of service for a period of five months; all of these cases occasioned injury, suffering, and loss of time. From the standpoint of justice it seems that some steps should be taken to prevent, if possible, just such accidents. Take example No. 7, and suppose this accident had happened just a few minutes before it did, with the opposing track blocked on the time of a fast passenger train, untold death and injury would have followed in the wake of such. Take example No. 8, two passenger trains only escaped running into this wreck by being late on the schedule. Take example No. 9. It is almost miraculous that an accident was averted and the flagman on this train ran ahead and stopped an approaching freight train, and to the rear and stopped a passenger train after being thrown from the caboose platform and injured. Take example No. 10 and the horror is complete, as in this case the

eighty-first and eighty-seventh cars were derailed while passing another train on the opposite track, and this approaching train ran into the wreck with the result that the fireman was dismembered, leaving his head at one place, his heart at another, and his body at another, the most horrible death imaginable. At the same time the other fireman was severely injured, as well as one of the brakemen. Suppose this had been a passenger train, the number of deaths and injuries possible in such a case is beyond conception. All of these clearly demonstrate the many dangers in handling these long trains, therefore, we believe that no greater step could be taken towards safety than by the passage of this proposed law. IT IS SAFETY FIRST TO THE GREATEST EXTENT.

Statement showing number of cars damaged in trains consisting of 60 loads or 90 empties per train for a period of 30 days:

Out of 26 trains handled by 1 conductor, 21 cars were damaged.

Out of 28 trains handled by 1 conductor, 13 cars were damaged.

Out of 26 trains handled by 1 conductor, 12 cars were damaged.

Out of 30 trains handled by 1 conductor, 18 cars were damaged.

Out of 25 trains handled by 1 conductor, 18 cars were damaged, making a total of 135 trains handled by five conductors for the thirty-day period, with the total of 77 cars damaged, or on an average of 15 2-5 cars for each conductor.

Taking the above figures as a basis, viz.: 135 trains handled, one-half of these being loaded trains of 60 cars and one-half of them being empty trains of 90 cars, making an average of 75 cars per train. By the proposed bill of 50 cars this would increase the number of trains one-third, or on the above basis from 135 to 180. The cost per 100 miles for one conductor and two brakemen at the rates

prevailing in this territory for this class or service, of $4.10 and $2.75, respectively, each, would make a total of $9.60; this multiplied by the one-third increase of 45 crews would make a cost of $432.00. Taking the above figures of 77 cars damaged at an average cost of $20.00 per car for repairs, would make a total of $1,540.00, and by comparison of what it would cost by adding the additional crews as above figured, at $432.00, we find a difference of $1,108.00, if all these accidents were prevented, or we find by comparison that it would not cost the railways one-third as much as repairs to cars on above basis.

Take on a system where there are an average of 200 crews, taking the above as the basis for the same period, the total number of cars damaged at $20.00 per car would amount to 3,000 cars, or a total of $60,000.00, or taking the same number of crews given above as a basis, or 5 crews for thirty days, and multiplying it by 40 or 200 crews, would make an increase 66 3-6, plus 200, making a total of 266 2-3 crews in the aggregate daily at an increased cost of $640.00 per day, or $19,200 for thirty days. Deducting this sum from $60,000.00 we find a difference of $40,800.00 in favor of the railway for the thirty day period.

Assuming that all of the above-mentioned accidents were not caused by excess tonnage, or taking even one-third of them only as a basis, it would mean in the aggregate that $20,000.00 loss to the railway was due to the trains having too many cars in them.

By the enactment of this law it would cost $19,200.00, or a difference of $800.00 in favor of the railway company, when as a matter of fact one-half or more of the accidents above given were directly traceable to excessive tonnage, causing draft gear to give way, couplers to break, weaker cars to give way or in other ways confirming the statement that the trains handled were too heavy.

Further referring to cost, we will take the Norfolk & Western Railway as a basis and compare rates of pay with

increases in gross and net earnings for a period of six years, 1907-1913, and by so doing we find the following:

The rates of pay for through freight service conductors, $3.60 per 100 miles in 1907 as against $4.10 in 1913, which is the same rate now in effect in this service, or an increase of fifty cents per hundred miles, percentage increase approximately fourteen per cent.

For the fiscal year ending June 30th, 1907, the gross earnings of this company were in excess of $28,000,000.00 and the net earnings in excess of $10,000,000.00, and for the fiscal year closing June 30th, 1913, the gross earnings were in excess of $43,000,000.00 and net earnings in excess of $15,000,000.00, or an increase of $15,000,000.00 gross and $5,000,000.00 net, or a percentage increase approximately 53 per cent. gross and 50 per cent. net. By these comparisons we have very convincing evidence of the fallacy of a possible argument that will be advanced that the rates of pay of conductors, granted by the railway, have been greater than the returns to the railway company. Also, no doubt, the argument will be advanced that tonnage has been increased but wages in a greater proportion, which the above figures will not confirm. It is, therefore, contended that the railway has been the recipient of greater returns by at least 25 to 50 per cent. than have been the conductors, and by the enactment of the proposed law the railways will not be hampered to the alarming extent as possibly some would have you believe.

The position of the employees we represent is that the size of cars has been greatly increased, the number of cars per train handled has been increased, the duties and responsibilities of employees increased, until at the present time the increases in wages that have been granted during the period of this change is wholly inadequate and out of proportion to the earnings of the railways who have been benefited by the change.

In considering the cost incident to complying to the proposed law, it is well to call attention to the fact that

there is no way by which we can estimate the cost of human life and limb, nor is there any adequate method by which the suffering of a man mangled in railway accidents can be measured, therefore, if the enactment of this law would prevent the loss of one life or the suffering of one human being, it is worthy of the consideration of the lawmakers of our State, and the cost should not be considered as a material factor in arriving at a proper conclusion in this matter.

In conclusion, on behalf of the employees we represent, their wives and children, as a humanitarian measure we ask you to give careful attention and consideration to this matter with the hopes that in your wisdom you may see fit to give us the relief asked for by this law.

Mr. Dodson: This document was drafted by a committee of ten men, handling these trains to-day. We would be glad to leave a copy of this document with you for your inspection in executive session.

I would like for you to hear Mr. Meetze in behalf of this measure.

Mr. Meetze: Mr. Chairman and Gentlemen of the Committee: I believe that I have the distinction of having more friends on the railroads of the State than any member of the House of Delegates, and I think it a pretty good compliment. I try to be friendly with these fellows: They say that Prince William was asking for a "tater" and they sent an "agitater."

Now, gentlemen of this committee, seriously, the people of Virginia have not sent us here as agitators of the railroad companies; they have not sent us here to legislate against the railroad companies and corporations, but they have sent us here to legislate for the safety and protection of the citizens of Virginia and throughout the United States; and it is through agitation and legislation that the railroad companies and the people have been compelled to get together and enact such laws which have been not only for the benefit of the railroad companies but for the people at

large. From the statement which you have just heard read to you gentlemen, the figures show that they will not only be for the safety and protection of the trainmen but the public, and it will be dollars and cents saved to the railroad companies. There is no legislation which you will enact, or which this body will enact but what will cost some extra expense and adjustment of circumstances by the railroad companies of the State of Virginia.

I represent a county which has two double-track railroads and one single-track railroad running through it. I want to say to you, gentlemen, frankly that no member of the House of Delegates has more friends than I have among railroad people. I have never nor will I ever introduce any legislation to antagonize the railroad companies. Any legislation which I introduce or which I favor will be, in my judgment, not only for the benefit of the public but for the railroads themselves. As I have stated before this committee before, having had about nine years' experience on railroads, I know what it means to ride on one of these long trains.

A Committeeman: Were you ever an operator on a railroad?

Mr. Meetze: I lived in shanty cars about nine years, working for the Western Union Telegraph Company. I have had my cars in the rear of a train and I have had my length measured upon the floor of that car many a time, and my beans and fat meat and everything scattered all over it, my stove turned upside down and men's heads driven up against the car in the bunk at night. I know what railroad life is. I know what is the slack in a long train, and I didn't ride in any eighty-car train or hundred-car train; but the slack in those trains of thirty and forty and fifty cars is immense. When something happens at the front, something has got to happen at the back as sure as you are born, and it happens quick. It might seem to this committee, it might seem to some of you present, with railroads having built tracks and having gotten engines to handle from a

hundred to a hundred and twenty-five cars, that it would be a hardship on them to reduce them to a fifty-car limit; but, when you count up the expense that is saved by handling the lighter train and the shorter train, you will find, and the railroad companies will find, that at the end of the year they will have more money, in fact, by running shorter trains and more of them than they will with these trains of great length.

Now, there is a great deal said about these trains buckling and jumping onto other tracks on which passenger trains go. That is true, but in double track business they don't always use two tracks. Sometimes they have a wreck or washout and a single track is used both north and south or east and west, whichever way the road may run. It is not always when an accident happens that a train is coming on another track, because sometimes for eight or ten miles or five or six miles in a block they will use one track for both trains. It is not always that the train blocks the other track when an accident occurs, because they are just as liable to come behind you or in front of you on the other track. When one of these trains go along and something happens to these cars and a passenger train is coming, you can't estimate the damage and loss of life that would happen right then and there; there is no estimate that could be put on it.

I am sure, gentlemen, that you will seriously consider this not only from the side of the trainmen, but from the side of the railroad people, giving each man what is fair and honest and just. I know that you will be able, after looking into this thing, to see that not only the public demands it but the public requires it at our hands to legislate and give such legislation as will be for the safety and protection of the public; and, when you see that it does not or will not interfere with the railroad companies in dollars and cents, I believe that you will seriously consider this bill and report it favorably and let it go before the House and let the people say that we have protection for life and property.

The Chairman: Mr. Birrell, is there any one else that wants to be heard?

Mr. Birrell: Mr. Dodson.

Mr. Dodson: I want to read you a rule of one of these railroad companies in order to show to you, gentlemen, that they anticipate that just such conditions, in reference to accidents from the handling of these long trains, will happen as was outlined in this accident No. 9 in this paper you heard read. This is Rule No. 33: "In addition to the requirements of Rule 101, Book of Rules, in case a train is stopped by an emergency application of the air brakes, a flagman must be sent out immediately to stop trains on the passenger track until it is ascertained that the opposite track is not obstructed."

Now, that shows conclusively that, when they start these trains out on the road, they start them expecting that these breaks will occur and the heavy concussion will wreck the rear end of the train to such an extent that it will throw them on the opposite track and trains on that track may come in contact with them; just as when this fireman lost his life. It was an act of Providence that that was not a passenger train with hundreds of lives. I was before you, gentlemen, here between ten and eleven o'clock on the same day this accident occurred and told you these things would happen and that sooner or later some train was going into it, and it happened in less than twelve hours after I was before you, gentlemen, at that time.

Mr. W. B. McIlwaine: What company's rules are those you have been reading?

Mr. Dodson: The Norfolk & Western. I would like it understood that we are not here trying to bankrupt the railroad companies. What is to the railroad companies' is to our interest; but we cannot afford to have these railroad companies experimenting with the lives of our men, members of our organization, and the traveling public likewise. Now, we know something about the revenue of these hundred-car trains and likewise the fifty-car trains, and

we have reason to believe that, with a fifty-car train, there would be no chance for these railroad companies to go into the hands of receivers. We have heard these statements made and you have read them in the paper. You have read resolutions passed by the various Boards of Trade of the various cities in Virginia, men who never had a day's practical experience in railroad service in their lives—very competent to pass on these practical questions. As I stated before, take this accident No. 9. There is one man who lost his life, a man who had only been in the railroad service, I understand, five or six months, with a wife and five children. Think of what that means to that woman and those children, the loss of that man's life; and that alone would justify the enactment of some law to protect the lives of employees and the public. Now, a large amount of this argument that has been made here, has been made on the Norfolk & Western. I want to say to you frankly that all the trouble is not on the Norfolk & Western by a whole lot. Take the C. & O. Railway here; we have information that train after train passes over the C. & O. Railway that cost that company for the conductor twice the amount of money that they contracted to pay him for that service. Why? Because the train is so heavy and so many cars that they can't handle it; the draft rigging and the draft gear will not stand the strain; the drawheads pull out. I think I am safe in saying that those drawheads weight about 750 pounds. I don't think there is a man on this committee or one in this room that can handle 750 pounds. In many cases who is left to handle this drawhead? Nobody but the conductor, unless he does like a C. & O. man did between Richmond and Newport News a few days ago, walk up and get the engineer and fireman to help him. Take the Virginian Railroad: They are having their trouble. It has not been a great while ago that they appointed as assistant to the Superintendent a man I know very well; he didn't have experience with these long trains, didn't know what these men were up against, didn't know about this heavy con-

cussion when the air hose burst, and drawheads pulling out. He is going over the road on his duties and what happens? The air hose bursts, and he showed up in Richmond and the side of his face looked like a bull dog had chewed him. I honestly felt sorry for him, that he hadn't had experience and didn't know how to protect himself. These are the things these men are up against, and that is why this bill has been introduced, and it is why we are interested very strongly that it be enacted into law.

I will say that we are willing to rest our side of the case and give the other side an opportunity to be heard. Of course, we reserve the right to be heard afterwards.

Mr. Birrell: As patron of this bill, they did not send me here as a "tater." I think possibly they sent me here as a lemon. I come here as a mediator and legislator for things that concern the men and the railroads. I believe we owe as much duty to protect corporate interests as anybody's interest, as any individual interest; at the same time I want you to consider over the matter that has been presented by these gentlemen representing the trainmen. You want to consider their interest. I don't care what the monetary interest of any railroad is; it can't weigh in the consideration of human life and human safety. The only thing we want is a fair deal, which we know this committee is going to give us. If the railroad companies are operating the roads without danger to employees and to the general public, then refuse to report this bill favorably. If you find, after mature consideration, that these men are presenting a case that shows that the lives of the employees and the lives of the general public are in danger, no matter what the cost to the railroad company is, no matter what preparation they have made for the operation of these lengthy trains, I say it is your duty to curtail the length of these trains, because no outlay of money can be a consideration for the operation of trains that endanger the lives of employees and the lives of the general public. So far as I am personally concerned, I know nothing about the operation of these long trains. In

my section of the country these trains are not operated. I am not a practical railroad man. These men who have presented this subject to you are men who have been engaged in the operation of trains of all characters and are competent to tell you exactly what the result of the operation of these trains is. I think that they have presented a case that is worthy of your consideration. I simply want you to consider both from the standpoint of the employees and from the standpoint of the railroads and weigh every matter that may be presented to you, and let justice be done though the heavens fall.

Mr. Dodson: In answer to Mr. Robertson's question as to the consolidation of the two bills, I will say this on behalf of the conductors, that the two bills are before you separately, introduced by the two train organizations, trying to meet conditions. You heard the other day from the trainmen's organization and you heard to-day from our organization. We are ready at any time to meet you or meet a sub-committee of this committee to take up that question.

Mr. Willis: I think the committee should pass on them separately.

Mr. N. D. Maher, Vice President of the N. & W. Railway, is here, and would like to be heard if these gentlemen are finished.

The Chairman: We will hear Mr. Maher.

REMARKS OF MR. N. D. MAHER.

Mr. Chairman and Gentlemen of the Committee:

I have had the privilege of living in Virginia about thirty years, being connected with the Norfolk & Western Railway Company for that time.

The Chairman: What do you do on that road?

Mr. Maher: I am Vice President now in charge of operation, but I have been in various positions in the oper-

ating department of the Norfolk & Western for the last thirty years.

Now, before beginning my formal statement, in answer to these gentlemen on the other side, I want to say that the Norfolk & Western has full confidence in the loyalty and integrity of their employees. We believe that anything they say here against the interest of our company is said through probably their being misled by people who are misinformed on the subject.

I have with me a statement, which I propose to make to the committee and will file with the committee if they desire, covering this whole subject from the railroad's standpoint. So far as safety is concerned, we are going to show you that, by the reduction of trains on the road, we very much reduce the chances of accident and we very much increase the safety.

Mr. Brown: You mean fewer trains?

Mr. Maher: Yes, sir. We also will show in this statement actual facts and figures made up from our records; and there are other lines here who have similar statements, I presume, and will present their situation also.

Statement of N. D. Maher, Vice President Norfolk and Western Railway Company Before the Roads Committee of the House of Delegates, 1914 Session, of the Virginia Legislature.

Mr. Chairman and Gentlemen:

A number of bills have been introduced before the Virginia Legislature which if enacted as presented would cost the Norfolk & Western Railway alone, over $2,700,000 per annum. They are such bills as the Maximum Train Bill, the Full Crew Bill, the Caboose Bill, the Headlight Bill, the Section Bill, the Railway Franchise Bill, and others. The first of these measures which I mention, the Maximum Train Bill, limiting the number of freight cars to be handled in any one train to fifty, would cost the Norfolk & Western Railway over $1,600,000 per annum

on the basis of the present business, and would mean the financial ruin of the company. The rapid growth of business which has marked the development of the State during the past ten years has made it necessary for the management of this company to take measures to meet the increased expenses which have prevailed year by year on account of the payment of higher wages, greater taxes and the construction of non-revenue producing structures, represented largely, so far as this company is concerned, by overhead and undergrade highway crossings. The policy of this company has heretofore been to economize in the conduct of its transportation business. Conducting the transportation of a railroad safely, conveniently, and economically is what may be termed the science of railroading, and is the item of expense to which managing officers give their greatest time and attention. The maintenance of way and structures and of equipment can be regulated to a fixed sum per month, and this expenditure means the maintenance of the ways and structures and of equipment to a high degree of efficiency or permitting it to deteriorate. The Norfolk & Western Railway Company has kept its road and equipment to the highest degree of efficiency. The conducting of transportation, however, presents a different problem, and the effort must be to reduce the unit of cost of handling business which is offered to the company. It has been the experience of years of managing officers of railroads that the only way to secure low cost of transportation is by increasing the number of tons of freight carried by each train. The management of the Norfolk & Western Railway Company commenced years ago to increase the tractive power of its locomotives, the carrying capacity of its cars, and to eliminate adverse grades and curves wherever it was physically possible for it to do so. Large terminal yards have also been constructed and millions of dollars have been spent each year with the one definite end in view; namely, that of reducing the cost of transportation. The result of the

experience and effort and expenditures has been that instead of hauling 25 or 30 cars per train or even as high as 50 or 60 cars, the number of cars handled in trains in various portions of the State of Virginia has been brought up to from 60 to 100 cars. It must, therefore, be evident to the mind of any man who has duly considered this question that to go back to the conditions that prevailed ten years ago would mean that the money expended for better grades and heavier equipment has been thrown away, and that there cannot be again money spent for such purposes. There will be no need of sums to be expended for further development or improvement, and the stopping of development and improvement extends to all classes and lines of business. There can only be one result, and that is the financial ruin of this property, and the ruin of the property means great damage to the State of Virginia.

During the past ten years gross earnings have increased, but net earnings have not increased proportionately, on account of tremendously increasing expenses.

The following table is a statement of the wages paid trainmen in 1897 and in 1913, and it must also be considered that whereas in 1897 the pay was based on a day of ten hours it is now based on a day of *nine* hours:

COMPARISON OF WAGES, 1897 AND 1913.

Conductors' Pay per 100 Miles.

	1897	1913	Increase Per Cent.	Avg. Pay Per Month
Passenger	$1 75	$2 90	65.7	$185 00
Through Freight	2 80	4 10	46.4	141 50
Local Freight	3 00	4 50	50.0	

Brakemen's Pay per 100 Miles.

	1897	1913	Increase Per Cent.	Avg. Pay Per Month
Passenger	$ 90	$1 60	77.8	$113 30
Local Freight	2 00	3 00	50.0	103 55
Through Freight	1 75	2 75	57.1	

Engineers' Pay per 100 Miles.

	1897	1913	Increase Per Cent.	Avg. Pay Per Month
Passenger	$3 00	$4 40	46.7	$230 16
Through Freight	4 00	5 25	31.3	
Mallet Eng		6 50	62.5	180 00
Local Freight	4 00	5 50	37.5	

Firemen's Pay per 100 Miles.

	1897	1913	Increase Per Cent.	Avg. Pay Per Month
Passenger	$1 50	$2 50	66.7	$128 65
Through Freight	1 75	3 10	77.1	
Mallet Eng		4 00	128.6	118 54
Local Freight	1 75	3 25	85.7	

You will observe that this statement shows the *average* pay per month that employees in train service can make by working full time.

The result of the increased wages and expenses of train service has been that the cost per train mile of handling freight has more than doubled during this period:

In 1897 the cost per freight train mile	$1 02
In 1913 the cost per freight train mile	2 10

During this period the revenue received from hauling passengers and freight have decreased as follows:

	1897	1913	Decrease Per Cent.
Revenue per passenger per mile—cents	3.179	2.617	17.678
Revenue per ton freight per mile—cents	.445	.429	3.59

From these comparative figures it is apparent that in the face of increased wages and costs of operation, the only way to increase revenue, not proportionately, but at all

is to haul more cars and tons per train. This has been done as shown by the following:

	1897	1913	Increase Per Cent.
Average cars per Frt. train	29 80	40 17	34.80
Average tons of freight per train	325 31	763 84	134.80
Expenses per freight train mile	$ 1 02	$ 2 10	105.88
Earnings per freight train mile	1 44	3 27	127.08
Taxes paid in Virginia	$ 232,405 98	$ 830,669 55	257.42
Fixed charges	2,367,105 66	4,245,567 56	79.36

When link and pin couplings were in use more than 50 cars were frequently and whenever possible hauled in each train.

The number of men employed by the Norfolk & Western in train service in Virginia is, by classes:

Passenger Engineers	62
Freight Engineers	547
Passenger Firemen	62
Freight Firemen	580
Passenger Conductors	51
Freight Conductors	265
Passenger Brakemen	62
Freight Brakemen—white	560
Freight Brakemen—colored	139
A total of	2,328

Generally trains of more than 50 cars are run between Bluefield, W. Va., and Norfolk, Va.

There are employed between these points, in train service, 996 men.

There are employed in Virginia in other branches of railroad service, by classes:

Shop men	5,574
Station service	1,502
Track service	5,459
	12,535

The passage of this act would increase the number of trainmen employed in Virginia, 716; and this would apply chiefly on portions of the road where we now have 996.

Using the month of October, 1913, as a basis, and this is not one of our heaviest months, in order to comply with the terms of this bill and handle the business offered in Virginia in trains of 50 cars each, would have required 588 additional freight trains, representing 57,300 additional train miles, and costing $125,473.11 more than it did cost to handle the October business.

On this basis and calculating the additional cost by freight districts mean a cost per annum of $1,621,677.32, in addition to the amount actually required to move the business, and without one single benefit to the public or to the employees, except to increase the number of trainmen on a portion of the road, and with the disadvantage of more trains, increasing the opportunity for accident thereto, and more men to be exposed to death and injury.

It cannot be disputed that the more trains on a road, the more opportunity of accident to not only those trains and the employees on them, but to people at highway crossings and in the streets of cities and towns and on tracks generally, to say nothing of increased opportunity to kill and injure stock and set out fires. As a matter of fact trains of more than 50 cars on account of being heavier, are handled more slowly and cause the deaths of a very much smaller number of employees and others than lighter trains.

I have had prepared an analysis of the deaths and injuries caused by trains on the Norfolk & Western road of more than 50 cars and 50 cars or less in the State of Virginia during the two years ending June 30, 1913. Our statistics show that the total trains run in one year, based on actual trains run July 1st, to September 30th, 1913, were as follows:

The trains of more than 50 cars were	16712	35 per cent.
The trains of 50 cars or less were	31112	65 per cent.
	47824	100 per cent.

Trains of more than 50 cars, killed 1 employee, injured 179 employees.

Trains of 50 cars or less, killed 20 employees, injured 521 employees.

The total mileage of trains of more than 50 cars was.....4,173,027 miles
The total mileage of trains of 50 cars or less was.....7,770,382 miles
The total passenger train mileage was.....5,137,293 miles

Of the 20 deaths and 521 injuries by trains of 50 cars or less, 5 deaths and 114 injuries were by passenger trains. These casualties are from all causes, whether struck by trains, falling from trains or in train accidents. The *one* employee killed by a train of more than 50 cars was struck and run over. Of the *twenty* employees killed by trains of less than 50 cars, *three* were killed by being struck by obstructions and *three* were killed by falling from cars or engines.

The following figures give number of people other than employes killed and injured by trains of more and less than 50 cars:

Trains of more than 50 cars, killed 8 and injured 16.

Trains of 50 cars or less, killed 76 and injured 193.

Passenger trains killed 24 and injured 42, and these are included in the killed and injured by trains of less than 50 cars.

Of the *eight* people killed by trains of more than 50 cars none was killed in a train accident. All the deaths were due to falling from and being struck by trains.

Of the 76 killed by trains of less than 50 cars *four* were trespassers killed in train accidents, 22 were killed in falling

from trains (getting on and off) and 50 were killed by being struck by trains.

From these figures it is perfectly obvious that decreasing the number of trains run by increasing the train load, is not only in the interest of economy, but that it is the greatest possible safeguard to the employees themselves, and to the public generally. The more trains run and the more employees put on the trains, of necessity the more accidents, deaths, and injuries.

With regard to the breaking in two of trains—it is a fact that they do break in two, and it is also true that this source of trouble is not confined to trains of 50 cars or more. The breaking in two of a train or the bursting of an air hose causes the automatic emergency application of the air brake. The sudden stopping of the train by the emergency application of the air brake will sometimes break up cars, and cause death and injury. Disastrous wrecks have been attributed to this cause, and these wrecks have happened to trains of 50 cars or less as well as to longer trains. It is also true that we get the strongest equipment and the best air hose and couplers that money will buy. As long as there are railroads, there will be accidents. Our best efforts are directed towards reducing the units (trains) that cause accidents, and the number of men exposed to the hazards of the business, with due regard to the efficiency of the service and the welfare of the employees.

From the 1st to the 15th of January, 1913, I have kept a statement showing delays to trains in Virginia on account of breaking in two. The delays caused by trains breaking in two amounted to 254 hours and 57 minutes, an average of 72 minutes per train affected, but the average to the whole number of trains run amounted to less than 4½ minutes per train. To save 4½ minutes per freight train run does not justify the expenditure of over $1,600,000 and the increased risk of accident and injury.

With reference to trainmen being kept on duty more than sixteen hours and relieved on the road on account of the

Sixteen Hour Federal Law. The law prohibits, except in emergencies, the keeping of trainmen on duty more than sixteen hours. When from any cause trains are caught by this law, we either send a fresh crew to bring the train into the terminal, or if this is not possible, tie the train up at a siding, having regard for the comfort of the employees. During the year 1913, on all divisions and freight districts in Virginia, there were 58,885 road movements, and of this number only 873 were affected from any cause whatever by the operation of the sixteen-hour law, the percentage of trains delayed beyond sixteen hours being one and five-tenths per cent. I venture to assert that this average will compare favorably with any manufacturing or other business.

I make no misstatement when I say that it would be physically impossible to transport the business which is offered us through the State of Virginia from Bluefield to Norfolk with trains limited to 50 cars to each train.

The only reason for the introduction of these bills is to compel by law all railways of the State to employ more men in train service without any possible advantage to the public, which must eventually pay the freight, and in order for the road to be able to live, without providing one cent for betterments and improvements, the freight rates within the State would have to be materially advanced.

You could pass no measures which would do more to cause the deaths and injury of trainmen and others than to pass this Car Limit Bill, increasing the number of trains, and the so-called Full Crew Bill, increasing the number of brakemen on trains.

There was introduced in the House of Representatives in Washington, on December 13th, 1913, the Stevens Bill, by the terms of which the Interstate Commerce Commission is authorized upon the complaint, or on its own motion, without complaint, to investigate the roadway, track, structures, equipment and facilities used by common carriers in interstate or foreign commerce; the operating rules, regulations, methods, train schedules, size of train crews, hours of railway

employees, or any other matter affecting the safe operation of trains engaged in interstate or foreign commerce. It would seem that if this bill should become law it would turn over to the Interstate Commerce Commission practically all of these questions which the General Assembly of Virginia is now considering, and when Congress has acted in these matters, the work of the General Assembly would be nullified.

I am speaking to you more in my capacity as a citizen of the State than as the Vice President of the largest tax payer in your State. The passage of these unnecessary measures can only mean the ruin of your railroad properties, and the largest industry in your State cannot be seriously crippled without working detriment to the business interests of the State. I cannot too strongly urge upon you the great importance of rejecting these bills which are offered to you disguised as safety measures, but which have no reason or justification back of them. *The sole reason* is to compel the railroads by law to employ more men, and this *without regard* to the dangers of such employment.

N. D. MAHER,
Vice President Norfolk & Western Railway Company.

Mr. Robertson: Don't you believe there is a point where you would have to stop increasing the length of your train?

Mr. Maher: No, we may have to increase them more.

Mr. Robertson: Is it possible to make them any conceivable length you choose to name?

Mr. Maher: It may be.

Mr. Robertson: Don't you know it is not possible to make them any conceivable length, maybe, three miles?

Mr. Maher: I don't know. It may be possible. We may do it.

Mr. Brown: While it is not pertinent to the question, about what dividend is your road paying to stockholders now?

Mr. Maher: Six per cent. on the common stock.

Mr. Brown: Is that the best it can do?

Mr. Maher: Yes, sir, I think that is the best it can do and provide money enough for improvements to make our road safe and give better service to the public.

The Chairman: Has the gentleman from Roanoke anybody he wants to be heard?

Mr. Willis: Mr. Maher just wanted to be heard. I don't know of anybody else.

Mr. Robertson: I would like to ask the gentleman speaking a question. When he figured on that matter of the difference in accidents on long trains and short trains, he did not use any specified number, for instance, per thousand cars or per hundred cars. You did not say anything about the length of haul or the percentage per hundred cars or anything of that sort.

Mr. Maher: They are both on the same basis. Take the total number of trains for the same period.

Mr. Robertson: You gave the total but you did not say what the percentage on each individual train is.

Mr. Maher: On a train mile basis?

Mr. Robertson: Yes, sir.

Mr. Maher: It is relative.

Mr. Robertson: Which would be the greatest, do you think?

Mr. Maher: Less than fifty cars.

Mr. Buchanan: Suppose he read that over. I think the information is there that you want.

Mr. Robertson: He read his total accidents but did not say what percentage it was per train, that is, per each individual train of the same number of crew.

Mr. Maher: Trains of more than fifty cars were thirty-five per cent, and trains of fifty cars or less were sixty-five per cent.

Mr. Robertson: Of the whole business?

Mr. Maher: Yes.

Mr. Robertson: That doesn't get at the point I want.

For each train with the same number of crew on it, if you had fifty cars, would your figures show the loss was greater on a small train than on a larger? Your figures don't quite get at that particular thing.

Mr. Maher: I gave you the train mileage and the number killed, and gave you the percentage of all kinds of trains.

Mr. Robertson: You didn't quite get at that particular thing though.

The Chairman: The next gentleman.

Mr. Cardwell: I present Mr. M. J. Caples, of the C. & O.

STATEMENT OF MR. M. J. CAPLES.

Gentlemen:

Before presenting the formal statement that I have prepared, I would like to make a brief statement of what the railroads of this State, and particularly the Chesapeake & Ohio, have endeavored to do for the purpose of securing greater economy in the transportation of freight, that the enactment of this bill would nullify and prevent in the future.

Speaking from an experience of thirty years in actual railroad service, both in building railroads for the especial purpose of securing cheap and safe operation and in supervising their operation, I consider this bill extremely harmful.

As you gentlemen know, the principal freight on the C. & O. Railway is bituminous coal. That coal is hauled from the coal fields to Tidewater at Hampton Roads, a distance of 420 miles, for the rate of $1.25 per ton of 2,000 pounds. Westward that coal is now distributed as far as the Dakotas, some going as far as Montana. The coal tonnage over the railroad has doubled about every six years for the last three six-year periods. That is an extraordinary increase. This State and West Virginia could not have been enriched as they have been without these low

rates that the railroads have been able to establish in the hauling of coal. Our Kanawha coal field is more than twice as far from the Lakes as some of the other coal fields that have coal of equally good quality with that on our line. These roads with a shorter haul necessarily can give a lower freight rate, and it is necessary for us to give the same rate to our shippers, notwithstanding the fact that we have to haul our coal more than two times as far as they do.

I want to say that coal distribution to the west has become each year more and more a question of Lake transportation. In the summer time when the coal business is dull in the industries tributary to our road, the producers ship the coal to the Lakes, and it is then hauled by the cheapest transportation that is known in the world from the Lower Lake ports like Toledo to the extreme northwest ends of the Lakes, distances of from 700 to 1,000 miles, for thirty-five cents a ton. Now, some of the coal fields are 128 miles from these lower lake ports. Our nearest coals are very nearly 300 miles. We find that to haul that coal in competition with these competitors of ours, we must haul our coal in large train loads.

During the past fifteen years the Chesapeake & Ohio Railway has spent enormous sums, reducing grades, eliminating curvature to make the hauling of big trains possible, but it runs into millions of dollars. We are now able to haul train loads of 5,500 tons easily and safely with a single engine, and in that way we are able to compete with these more favorably located coal fields.

Mr. Robertson: What position do you occupy, please, sir?

Mr. Caples: Vice President of the Chesapeake & Ohio Railway Company.

This is a comparison of some operating statistics of the C. & O. for 1903-1913.

The transportation pay rolls for the fiscal year ended June 30th, 1913, amounted to.....$6,914,570

In through freight service the wage basis is approxi-

mately 40 per cent. in excess of the basis in 1903. In some classes of transportation labor the percentage has not been as great as 40 per cent., but in other classes, such as Telegraph Operators, Yard Conductors and Brakemen, it has been much greater, the average for all transportation labor will approximate 40 per cent. In other words, the service performed in the fiscal year ended June 30th, 1913, if paid for at rates in effect in 1903 would have cost about.$4,938,980

Increase. . . .$1,975,592

Figures given below, taken from the pay rolls of October, 1913, on the lines in Virginia, east of Clifton Forge, indicate the wages men in train and engine service can make by working practically full time.

The earnings of 48 freight conductors averaged $145.30, ranging from $125. to $185.

The earnings of 58 Freight Brakemen averaged $110.70, ranging from $100. to $136.

The earnings of 14 Passenger Conductors averaged $167.90, ranging from $140. to $194.

The earnings of 8 Passenger Baggagemen averaged $104.85, ranging from $100. to $115.

The earnings of 15 Passenger Brakemen averaged $94.00, ranging from $81.00 to $110.00.

The minimum wage of assigned passenger train crews making full time is—

Conductors, $135; Baggagemen, $87; Brakemen, $81.

The earnings of 109 Engineers averaged $172.50, ranging from $135. to $288.

The earnings of 44 Firemen averaged $119.70, ranging from $100. to $177.

COMPARISON—FISCAL YEARS 1913 AND 1903.

	1913	1903
Ton Miles Freight Handled	6,694,879,287	2,631,297,190
Average Haul (Miles)	266	276
Ton Mile Revenue (Mills)	4.12	4.75
At same Average Haul and Ton Mile rate in 1913 as in 1903, the freight revenues would have been		$31,926,067.84
The Revenues were		27,549,696.17
Difference		$ 4,376,371.67

	1913	1903
Passengers one mile	267,044,325	170,012,343
Average Miles Carried	45.48	57.57
Passenger Mile Revenue (Cents)	2.194	2.044

At Same Average Miles and Passenger Mile Rate in 1913 as in 1903 the passenger revenues would have been	$6,894,991.76
The Revenues were	5,858,138.22
Difference	$ 1,036,853.54

At Same Average Freight and Passenger Rates and Average Haul in 1913 as in 1903, the freight and passenger revenues would have been	$38,821,059.60	
The Revenues were	33,407,834.39	
Difference	$5,413,255.21	—16.2%

SHOWING THE MILEAGE OR BASING RATES OF WAGES IN THROUGH FREIGHT SERVICE.

	1913	1903		
Engineers	5.25c.	4.25c.	Increase 1.00c.	23.5%
Firemen (G-6)	3.10c.	2.45c.	Increase 0.65c.	26.5%
Conductors	4.10c.	3.15c.	Increase 0.95c.	30.2%
Brakemen	2.75c.	2.10c.	Increase 0.65c.	31.0%
Brakemen	2.75c.	2.10c.	Increase 0.65c.	31.0%
Per Crew	17.95c.	14.05c.	Increase 3.90c.	27.7%

Hours have been decreased approximately	10.0%
More favorable rules established, such as held at away from Home Terminal, Tied upon Road, etc., would easily add	2.3%
Approximate Increase	40.0%

	1913	1903	Increase	
Revenue Freight Cars in Service	42,691	22,126	20,565	92.9%
	1913	1903	Increase	
Tonnage Capacity	1,873,570	756,380	1,117,190	147.7%
Average Tonnage Capacity	43.9	34.2	9.7	28.4%
Equivalent number of cars of 34.2 tons capacity	54,783			
Freight and Switching Locomotives	678	498	180	36.1%
Tractive Power	27,689,528	10,490,987	17,198,541	163.9%
Average Tractive Power (Pounds)	40,840	21,066	19,774	93.9%
Equivalent number of locomotives of 21,066 pounds tractive power	1,314			
Freight Train Miles	7,937,054	5,333,101	2,603,953	48.8%
Net Tons Moved One Mile	6,694,879,287	2,631,297,190	4,063,582,097	154.4%
New Tons per Train Mile	843	493	350	71.0%

Equivalent Train Miles of 493 tons per train mile.....	13,579,877			
Products of Mines, % of Total Tonnage.....	74.3	54.5	19.8	36.3%
Percentage of Empty Car Miles.....	35.4	31.4	4.0	12.7%

If the C. & O. had received in 1913 the same rate for hauling a ton a mile that it did in 1903, it would have received $4,376,000 more than it did receive in 1913; in other words, it had either to show a decrease in net earnings of that amount ($4,376,000) or it would by some economy of operation have been compelled to save that amount of money to show the same net results. The greater part of that saving, however, did not go to the payment of dividends to shareholders of the company, but, on the other hand, it went to the shippers on the line of this railway, enabling them to reach more distant markets by reason of the lower rates that the company charged.

Mr. Dodson: Can I ask you a question? I understood you to state a moment ago that you received thirty-five cents per ton from the coal mines to the Great Lakes, did you not?

Mr. Caples: No, sir, from Toledo to these points on the Lakes.

Mr. Dodson: Will you state to the committee what rate you receive from the mines to Tidewater?

Mr. Caples: One dollar and twenty-five cents per short ton of 2,000 pounds.

The passage of this bill would result in railway companies unnecessarily and without good cause from any viewpoint spending many millions of dollars per year, not considering the many millions they have expended in the purchase of locomotives with sufficient capacity to haul long trains, and handle traffic more economically, and the large sums expended in reducing grades, curves, etc.

There can be no good cause advanced with common reasoning for the passage of a bill of this kind. It has been said that shorter trains can be run with less danger of injury

to employee and the public. This is not true and can be substantiated in fact, as will be later shown in this statement. The Chesapeake & Ohio Railway Company has expended for locomotives of large tractive power to handle in excess of 50 car trains on the greater part of its roads, that could not be used economically if trains were limited to 50 cars, over $8,500,000. The number of such locomotives purchased, their type, average, and aggregate cost, are as follows:

	No.	Average Cost	Total Cost
Mallet Locomotives	63	$33,400	$2,104,200
Mikado Locomotives	50	25,900	1,295,000
Consolidation G-6-7-8-9	332	15,900	5,278,800
	445		$8,678,000

The railway company has expended *in the State of Virginia* alone during the last five fiscal years ending June 30th, 1913, in reducing grades, curves, strengthening bridges and extensions of passing sidings to enable longer trains to be economically operated, $660,034,45, itemized as follows:

Reducing Grades and Curves	$273,734.51
Strengthening Bridges	108,948.36
Extension of Passing Sidings	277,351.58

In addition to these two items of large expenditures, it is shown that to operate all freight trains not in excess of 50 cars each would be an increase in the present cost of operation in the State of Virginia alone, for a period of one year, approximately one-half million dollars. If similar laws were passed in all of the States through which our Company operates, it would mean an increase in our present cost of operating freight trains of about $1,390,000 per year.

The Chairman: Gentlemen, we will be unable to proceed further with the hearing at this time and will have at this point to adjourn until 4:00 o'clock this afternoon.

(Adjourned until 4:00 P. M.)

February 9, 1914, 4:00 P. M.

The Committee again met at 4:00 o'clock P. M.

Mr. Buchanan: Mr. Geo. P. Johnson, General Manager of the C. & O. Railway Company, will complete the statement of the C. & O., Mr. Caples having been called away.

STATEMENT OF MR. GEO. P. JOHNSON

Mr. Chairman and Gentlemen: In addition to what Mr. Caples, our Vice President, said this morning as regards the situation of the C. & O. Railway in connection with this bill, a brief history of the Railway Company is not out of line at this point.

This Railway was originally started as a line from Doswell to Louisa Court House, and was continued on over the mountains through to Clifton Forge, and west from there over the Alleghany Mountains. At the time that the New River and Kanawha coal fields commenced to be developed, and the providing of a market for this coal, it was necessary to have an outlet to Tidewater and this outlet was secured by purchasing, about 1891, the Richmond and Alleghany Railway, which extended from Clifton Forge, Virginia, down James River through Lynchburg to Richmond, Virginia, where it connected with that portion of the railway that had been built from Richmond to Newport News on Tidewater. About $13,000,000 was expended in the purchase and rehabilitation of this property to make it of such physical condition as to be able to handle the business as well as other freight for eastern markets at a cost that would enable it to make rates for its shippers to allow them to meet the market conditions as the tidewater coal of the C. & O. Railway is in competition with that of the lines north of us which have a much shorter distance to haul, and in order that our coal people can have an open market, it was necessary to make such rates as will meet the rates of lines having a shorter haul, and in order that this may be done, our cost of transportation must necessarily be at a minimum cost, which can only be

secured by low grade lines and heavy tonnage freight trains, which will give us such low cost of operation as is necessary to allow us to be in this market.

In the year 1900, 2,550,000 tons of coal were shipped from the coal fields on the C. & O. Railway to the east, of which 1,795,541 tons were tidewater. In the year 1913, 6,086,408 tons of coal were shipped to the east, of which 3,531,202 tons were tidewater. It is essentially necessary for the future protection of the coal field interests which are located on our railway, and which have spent in development approximately $35,000,000, that this coal be continued east as well as a market established west, and nothing so jeopardizes the interest of this railway as legislative action of this kind, whereby the cost of operation will be increased to such a point that we cannot haul coal to the eastern or western markets in competition with other lines. To have a bill of this kind passed, will mean an additional expense in the cost of operation on the C. & O. Railway per year of approximately half a million dollars—and it is divided among a very small percentage of the employees in Virginia on this railway.

As to the personal injury and liability of accident by reason of long trains, and as to the argument advanced by the supporters of this bill in regard to the less risks of injury to employees and others in the operation of short trains as against long ones, the data contained in the statement attached showing a summary of personal injuries as a result of train accidents in Virginia during the last fiscal period ending June 30, 1913, will clearly show that there is no ground whatever for argument on this point. On our line in Virginia operating a train mileage of 4,896,326 miles it is shown that only 11.43 per cent. persons were killed on heavy trains as against 88.57 per cent. for light trains, and persons injured by heavy trains only 9.94 per cent. as against 90.06 per cent. by light trains. I would estimate that the percentage of heavy trains operated by our company in Virginia to total train is about 45 per cent. to 50 per cent. or more. It would, therefore, appear that if our trains are re-

duced to the maximum of fifty cars, and as there would be a greater number of trains run, all of which would be classed as light trains, the number of killed and injured would be greater by a larger percentage, and the hazard of accident would be very materially increased, not only on account of the fact that we would run a larger number of trains each day, but also on account of all trains being light trains.

Following is an analysis of the deaths and injuries caused by trains on the Chesapeake & Ohio of more than fifty cars and fifty cars or less in the State of Virginia during the year ending June 30th, 1913. Our statistics show that the total freight trains run in Virginia (Richmond and Clifton Forge Divisions) for one year, based on actual freight trains run year 1913, were as follows:

Trains of more than 50 cars..12,073 48 per cent.
Trains of 50 cars or less.....13,099 52 per cent.

The trains of more than 50 cars killed no employees, injured 14 employees. The trains of 50 cars or less killed 9 employees, injured 102 employees. The total train mileage in Virginia for one year ending June 30, 1913, was 4,896,326 miles.

These casualties are from all causes, whether struck by trains, falling from trains or in train accidents. As stated above, not a single employee was killed on or about a train of more than 50 cars. Of the nine killed by trains of less than 50 cars, two were struck by, two by falling from cars or engines, (while getting on or off), one while coupling and one by being struck by obstructions.

The following figures give number of persons other than employees killed and injured by trains of more and less than 50 cars:

Trains of more than 50 cars, killed 4 and injured 4. Trains of fifty cars or less, killed 22 and injured 61.

Of the four people killed by trains of more than 50 cars none was killed in a train accident. All the four deaths were due to falling from trains and while getting on or off engines or cars—one due to the former and three to the latter cause.

Of the twenty-two killed by trains of less than 50 cars, six trespassers were killed in falling from trains (getting on or off) and sixteen by being struck by a train.

These figures corroborate the statement that the more trains run, as would be, should this bill be made a law, and the more employees put on the trains, of necessity the more accidents, deaths, and injuries.

With reference to the parting of trains—it is true that railroads have trouble on this account, and the breaking in two of a train or bursting of an air hose at times causes serious damage and sometimes death or injuries, but this trouble is not confined to trains of more than 50 cars.

For instance, and as an illustration, during the calendar year of 1913 the Chesapeake & Ohio operated in the State of Virginia (Clifton Forge and Richmond Divisions and Alleghany District) a total of 20,713 freight trains, handling more than 50 cars and trouble was experienced with only 807 of that number account trains parting. In other words, we had trouble from this cause with only 3.90 per cent. of the total trains operated in excess of 50 cars. Trouble was experienced on this account with about 2.50 per cent. of the total trains operated of less than 50 cars; so it will be seen that there is but little difference from this cause with long trains as against those operated with 50 cars or less.

With regard to trainmen being kept on duty more than sixteen hours and relieved on the road account the sixteen-hour Federal Law: When from any cause trains are caught by this law, we either send a fresh crew to bring the train into its terminal, or if this is not possible, tie the train up on a siding and relieve the crew, having due regard at all times for their comfort, etc.

During the calendar year of 1913, on the Richmond and Clifton Forge Divisions, out of a total of 25,172 freight trains operated, only 339 were laid up on the road by the operation of the sixteen-hour law, the percentage of trains so laid up being only 1.3 per cent.

These trains were laid up for the reasons enumerated below:

Engine failures	34
Yards blocked	40
Breaking loose or parting	30
No water (Westham) account tank burning	12
Meeting trains account heavy run freight	109
Local work, switching, etc	25
High water, washouts	56
Accidents and congestions caused thereby	14
Wire trouble	9
Slides	9
Coroner's inquest	1
TOTAL	339

Statement for the Calendar Year, 1913; the percentage of freight trains operating in the State of Virginia that had trouble account of trains parting.

Trains Handling more than 50 cars	No. of Trains	No of Trains Parting	Percentage of Parting	Trains Not Parting
Richmond Division	6,750	160	2.37	97.63
Clifton Forge Division	5,223	275	5.27	94.73
Alleghany District	8,740	372	4.25	95.75
Total	20,713	807	3.90	96.10
Trains Handling less than 50 cars				
Richmond Division	8,848	125	1.41	98.59
Clifton Forge Division	4,251	78	1.83	98.17
Alleghany District	3,672	91	2.48	97.52
Total	16,771	294	1.75	98.25
All Freight Trains				
Richmond Division	15,598	285	1.83	98.17
Clifton Forge Division	9,474	353	3.73	96.27
Alleghany District	12,412	463	3.73	96.27
Total	37,484	1,101	2.94	97.06

The result of the Maximum Car Limit legislation will be to increase the deaths and injuries not only of railway employees but of travelers along the highways and in the streets of cities and towns. It will have the further effect of increasing enormously the cost of operation of railroads without adding in any degree to the efficiency of the public service. The real object of this legislation is not to promote safety or expedite the public business, but is solely and only intended to force by legislation the employment of more men in train service.

This is a letter addressed to employees of the C. & O. Ry. by Mr. Stevens, the President:

Richmond, Va., January 27th, 1914.

TO EMPLOYEES:

It is assumed that the men employed in the train service of the Chesapeake & Ohio Railway Company do not appreciate the disaster that will ensue if the bill now before the House of Delegates of Virginia limiting the size of freight trains to fifty cars is passed. It is well known that, if a westbound train is limited to fifty empty cars, an eastbound train cannot be given to exceed forty loaded cars, if the power is equalized. The bill, if passed, means that the Railway Company would, in my opinion, be compelled to withdraw from the Tidewater coal traffic, as it could only be conducted at a loss.

The Chesapeake & Ohio Railway hauls Tidewater coal a greater distance than its competitors at the north, and must, in order to provide its shippers with an eastern market, make a rate that pays but three mills per ton per mile; or in other words, must haul a ton of coal three and one-third miles to earn one cent; or, stating it another way, a ton of coal must be hauled ten miles to earn one cent net revenue. Out of this net revenue must be provided a sufficient sum to pay the interest on funded debt, taxes (increasing yearly), and a meager dividend to stockholders.

It is reasonable to assume that any further reduction in the rate or increase in the cost of performing the service will result in the loss of the traffic. Naturally, this will be followed by a reduction in the number of men employed in the train service in Virginia, estimated at not less than 50 per cent.

This also applies in a measure to the Extra Crew Bill. The Railway Company and its employees in the train service should be equally interested in preventing the passage of these bills.

(signed) *GEO. W. STEVENS, President.*

Mr. Willis: Mr. Johnson, there have been several statements made here to the effect that the percentage of accidents, casualties, on short trains was greater than on long trains. How do you account for that? Do the roads haul more short trains or is there any peculiar fatality attached to short trains?

Mr. Johnson: Short trains run faster. Speed is a big element in that.

Mr. Willis: These casualties include persons who are trespassing as well as trainmen.

Mr. Johnson: Ours are divided as to train employees and others.

Mr. Robertson: What do you consider as a maximum efficient size of a train?

Mr. Johnson: Depends entirely on operating conditions.

Mr. Robertson: How many engines do you put in a train?

Mr. Johnson: Only one.

Mr. Robertson: On the River Division?

Mr. Johnson: Yes, sir.

Mr. Robertson: What do you consider a maximum train on that road?

Mr. Johnson: If we had a bigger engine we would

haul more cars—80 or 90 or 100 cars if the side tracks would hold them, anything that means safe and cheaper operation.

Mr. Robertson: There certainly would be a point where the length of the train would be to such an extent it would be a matter of inadequacy and inefficiency, wouldn't it? You couldn't run a train five miles long.

Mr. Johnson: No, sir.

Mr. Robertson: Where is the point you consider you can run a train efficiently?

Mr. Johnson: I think 100 cars on the James River Division would be efficient.

REMARKS OF MR. F. M. LOVE.

Mr. Chairman and Gentlemen of the Committee, and the gentlemen who are appearing before the committee (I would like to address the whole crowd as present): I want to say in the beginning that I am here to represent no corporation, trust or anything of the kind. I have no man's axe to grind and no political aspiration to gratify. I am here, gentlemen, and I will tell you what brings me here, I will tell you what causes me to appear before you. It is that I am doing something to protect a railroad that has done so much for me, the Virginian Railway. I want to say that I love my old county of Lunenburg. When we were isolated and cut off from the outside world and all the counties of Virginia were alive, Lunenburg was far in the rear, and you have no idea how it crushed my heart to see the down-trodden condition of my old county; and, when a railroad proposed to build through there (I think it was called the Mt. Airy Railroad) and they said they would come through Lunenburg County upon the proposition that Lunenburg would vote a hundred thousand dollars to that road, I stumped the county in favor of the Mt. Airy Railroad; I spoke in season and out of season; I made the most impassioned appeal to my people to vote that bond issue that has been made in Lunenburg for many

a year. The bond issue over-whelmingly carried. We thought the Mt. Airy Railroad was coming through our county and give us connection with the outside world, but that bubble burst; notwithstanding that vote of a hundred thousand dollars it never came. The Bible says "Disappointment sinks the heart of man, and deferred hope makes the soul sick." Disappointed at heart and sick at soul, I thought prosperity would never come to the old county I loved so tenderly, but after a while the prospectors came around and said that probably the Virginian Railway would be built, and they said they proposed to locate the line either through Lunenburg or Mecklenburg County. They said Mecklenburg had proposed to donate the right of way, and, if Lunenburg would donate the right-of-way, in all probability the road would come through our county. They appointed a committee at a mass meeting of citizens, one of which I was, to go around and see the people through whose land the railroad would pass. The old man before you now took to the saddle, asking his people to donate the right of way to the Virginian Railway. With unanimity they agreed to do it, and the road was located through Lunenburg; but, after a while, for some cause, I know not what, the Virginian Railway determined not to accept the donation we so generously proposed to make, but paid for every foot of land along that railroad. That was mighty good. Our citizens got that amount, but still we were willing, in order to obtain the road, to pay them. Now, gentlemen, when I walked out in the springtime in my old Lunenburg and heard the snort of the iron horse as it came down on its way to the city by the sea, you have no idea how joy came to my heart, to think that prosperity had come at last that we had waited for so long.

Now, my friends, you who are here asking for this maximum car limit, let me say that my sympathy has always been with the working man. I am a working man myself. I came out of the war, a Confederate soldier, only nineteen

years of age. All of our property was taken. My parents owned slaves by the hundred, I was poor, so poor. Immediately after the war I married. It was not but a little while before a large family came to my home of boys and girls to cheer the old man up. Let me tell you I have found that life was not an empty dream. My sympathies go to the working man because I am a working man.

I rise before the mocking bird warbles her song, and I have toiled until the horned owls hoot.

I am able to look at this thing in a disinterested manner, and I say it would be wrong, it would be disastrously wrong to the old Virginian Railway, that has spent so many million dollars to have a splendid grade to the sea, to have to have the number of cars limited to fifty. Why, gentlemen, they go by Kenbridge every day with a hundred cars. Now, there are only three railroads affected by this bill in Virginia, the Norfolk & Western, the C. & O. and the Virginian. The maximum number of cars hauled by the C. & O. is ninety, the maximum number hauled by the Virginian is one hundred, and on the Norfolk & Western, sixty. Now, whereas it will cut off ten per cent. from the revenues of the Norfolk & Western, it will cut off forty per cent. from the revenues of the C. & O. and it will cut off fifty per cent from the revenues of the Virginian. I am before you in the interest of a road that has done so much for me, looking at it in a fair and square and disinterested light; and I say it would absolutely be wrong to cut down that road in its infancy. The Virginian has just been built; it has not had times to double track the road; the old Virginian has had to fight her way as she went. I am acquainted with conditions on the Virginian on the western end of it. You go out there to the great Winding Gulf region, the greatest coal producing region on earth, where it runs twenty-eight miles around, and they come so close together that in going up that gulf on one side is the Virginian and on the other side is the C. & O., two great financial giants, contending which shall govern the shipping

interests of that country. Now, my friends, I want to say to the working men, you brakemen and conductors and employees of this road that are here present, my sympathies go not only towards you but towards the working men up in the mountains, humble men that dig coal way back in the bowels of the earth. They dig the dusty diamond where the sun never shines and the flowers never bloom. My sympathies go out to those families, too. There may be representatives here of the C. & O. road. I desire to say nothing disrespectful of this line and those people representing that magnificent road, but I do say this: When they went into that coal mining country there was no competitor; the C. & O. road could say to those men, who went into the bowels of the earth to dig their coal, the price that should be paid them. Don't you know old David said "Let me not fall into the hands of man." The prophet came to David and said "You have committed a great transgression. Choose of three evils, whether you would fall before your enemies six months or three years or fall into the hands of Almighty God for three days." David says "Let me not fall into the hands of man." I used to think that David was a strange man, that he would prefer to fall into the hands of an insulted and angry God rather than into the hands of men, and, if I was in his place, I would have drawn my two-edged sword and fought to the last ditch. But David just deliberately chose to fall into the hands of an insulted God rather than into the hands of man. It was mighty bad for these coal producing people in the mountains when they were entirely under the jurisdiction of a single road when there was no competitor to take out the coal from that country. The Virginian came as a great boon and blessing to those miners out there. When the C. & O. found the Virginian was coming, and her right of way had been surveyed, they hastened their work force and dug a tunnel through Jennings (?) Gap. Then came the greatest suit there ever was in the courts of the United States, and the Virginian forced

her right through there. Thus she has been forcing her way step by step and wherever she has gone she has been a blessing to the poor man. She developed our country. If you will go down to Kenbridge, which is the principal town—it is not the principal town as far as numbers are concerned, but in point of financial blessing to the country, Kenbridge is headquarters. Six years ago, before the Virginian came, there was but one little post office there (the owner of that property is here to-day and will address you), nothing but a little store and post office. When you see what has been achieved at Kenbridge on account of the Virginian Railway, you will be astonished. You would not suppose it was possible by fair, square, and legitimate means that there could have been accomplished what has been done. Look at the great warehouses, the magnificent church. Look at the wholesale stores that have been established. Look at the thousands and thousands of dollars worth of tobacco sold every day. When you see the financial interest that has been developed at Kenbridge, you would suppose that some great magician had waved his wand over that country and these things has sprung up by magic. But it was on account of the Virginian Railway having come there as a blessing to our people; and we contend that the rights of the Virginian Railway should be respected and that they should be permitted to carry coal in the long trains that pass by there now of 100 cars. Why, gentlemen, to limit them to 50, would cut in half the revenue of that little infant railroad, for it is yet in its infancy, it has not had time to double track like the Norfolk & Western or like the C. & O. She has been doing all that a great philanthropic institution could do. Now, in her infancy, when she is just beginning to develop, when she has just commenced to be a blessing to the working people here and there and everywhere she goes along, ought we to limit her power to gain revenue? I say it is wrong. I beg you that you do no such thing. Gentlemen, let me tell you, I was at the formal opening of the

Virginian, and I was introduced to that great philanthropist, H. H. Rogers, and I am so glad before he passed away I had the pleasure of shaking the hand of that splendid man and looking into his face. Whenever we speak of these things, we must stop and pay tribute of respect to the memory of H. H. Rogers, a man who has built to his memory a monument more lasting than any marble slab that could possibly have been erected. The Bible says there are certain things that cover a multitude of sins. I believe it. In my estimation what H. H. Rogers has done for Lunenburg has been a blessing to our people and has covered a multitude of sins, and since then I have never said a word against the Standard Oil Company. I used to give the Standard Oil Company hail Columbia and rub it in, but after this road was built I commenced looking at it in another light. I said, "Well, I declare, it is strange. I always looked with such contempt upon the Standard Oil Company." I look back now and I can see for a fact that the Standard Oil Company is selling us oil a great deal cheaper than 20 years ago, and they are giving us a better article of oil. They are selling us better oil to-day than twenty years ago, and that fine oil is being sold to us cheaper that it was then. I never thought that until the Standard Oil Company built this road through old Lunenburg. Now, when the violets gather themselves a home upon the hillside, when the zephyrs lift and the breezes go forth, I walk upon my Lunenburg farm, lift my head to Almighty God and thank him that a railroad has come to my native land and prosperity to my people. Gentlemen, don't let this bill pass; don't cripple that magnificent road; and I hope that these gentlemen here, the working people here that are trying to push their bill, will look at the things we have been contending against, and that they may say that the old man from Lunenburg was telling the truth.

Mr. Dodson: May I ask you a question? I understood you to say, Mr. Love, that you represented the good old

county of Lunenburg. Does the C. & O. or Norfolk & Western run through Lunenburg?

Mr. Love: No, sir.

Mr. Dodson: Why are you particularly interested in the C. & O. and Norfolk & Western?

Mr. Love: I just wanted to show the comparative difference between the three roads and to show that this bill would be more disastrous to the Virginian than to the other roads. I said I did not want to say anything against the C. & O. Didn't I say so? And I stated nothing but the fact, not that it should be against the C. & O., but that it might show that this bill was more injurious to the Virginian than the others.

Mr. Dodson: Have you ever ridden on one of these 100 car trains on the Virginian?

Mr. Love: No, sir.

Mr. Dodson: Have you ever been around the railroad when one of them had a drawhead out?

Mr. Love: No, sir.

Mr. Dodson: You have heard that some accidents of the kind happen on the road.

Mr. Love: Yes, sir, I have heard of them happening.

Mr. Kennedy of Lunenburg is here and will address you.

REMARKS OF MR. KENNEDY.

Mr. Chairman and Gentlemen:

I brought along Mr. Love to do my talking, so I will not take up over three or four minutes. You can see how well you have done it. I am from the little town of Kenbridge, and, to quote the cartoonist, "I am the one who put the Ken in Kenbridge." That is where it got its name—a friend of mine, Mr. Bridgeforth, and myself. We have a peculiar condition down there. I believe every man in it is friendly to the railroad which runs through it. That is a peculiar thing, and I believe it is due more to the railroad than to the people. I think we have the best people I know

anything about anywhere. I do believe that we have found the Virginian Railway very responsive to any request that we have made of them; and, aside from the fact that the town, of course, is due in a large measure to the railroad coming through there and giving us shipping facilities, I believe the success of it is due in a large measure to the co-operation the railroad has shown towards helping whatever was good for the town. I was mayor of the town several years and have been greatly interested in the business men's association, from which association I come here to-day. I do not know of any request we have ever made of the Virginian that they did not take up and consider and show us either that it was impossible to do or grant us what we asked them; and, therefore, we feel very kindly towards the road. Mr. Love referred to the tobacco industry there. We have a tobacco market that sold over 3,000,000 pounds of bright tobacco last year, and will sell considerably more this year. The Virginian Railway takes care of that. This is a right big statement to make, but if the Virginian Railway had 10 competitors in there, I don't believe they could give more attention to getting the traffic out and getting that in that is coming in there than the Virginian does; and, as soon as this maximum train bill was introduced, as soon as some of the boys at home read of it in the paper, that it had been introduced—I believe some of them in Richmond heard about it, and they came back, and we were having a meeting of our board of trade for another purpose, a different road, a public road, which you gentlemen will hear from later. We were having that, and brother Love has got that on his hands yet. Anyhow they were having that question up as to whether the business men would endorse or reject this public road bill. Somebody brought up this maximum train bill; and I suppose there were 4 or 5 letters sent out to the Virginian Railway people right away, without any solicitation on the part of the Virginian Railway people, offering services of a good many different citizens there to oppose this bill if the

Virginian wanted it done; that we appreciated what the Virginian had done for us; and I was one of the men that wrote to the President or Vice President, Mr. Dupuy. Anyhow I wrote to him, and he wrote me thanking me for the letter. I wrote him what action had been taken; and Mr. Webb and 2 or 3 others wrote to our Representative, Mr. Love, and to our Senator, telling them that we wished they would hold up action on the bill awhile to give the Virginian a chance to see if they wanted to oppose it; and that we were in sympathy with the Virginian. Of course, we know nothing in the world about railroads. I don't know anything in the world about them. Whenever I get on them I have to pay my way just like the other man. All I know about it is, it doesn't look like to me or to most of us that the Virginian could stand cutting its trains in two in this manner. Also I will say this, that in my travels up and down the Virginian I have seen very few wrecks of long trains. This gentleman over here asked Mr. Love what about the Norfolk & Western and C. & O. I have nothing to do with those, I want you to understand; I am talking about the Virginian. The Virginian runs these long trains very slowly; in fact, people say they run all of them slowly; but we make about 30 miles an hour on our passenger trains and stop everywhere; but the roadbed is in such a good condition I suppose that is why people think they are running as slow as they are. But these big trains do run slowly; and as far as I have ever heard of I don't know of any wreck that has occurred on the division where I live. I don't know that I would have heard of it, because I am not familiar with the railroad service at all, but I have never heard of an accident over there attributed to a long train. The business men of Kenbridge asked me to come down here and asked me to do what I could, and there are several more of us in the city now. They are up at the Grand Lodge in this city. I thought Mr. Love was going to do all the talking, but I thought I would get up and say something anyhow. I thank you for your attention. I

hope that on account of the Virginian you will not do anything that will hurt us, because if you hurt them much it will hurt Kenbridge. That is what we are talking about. We don't care anything about the Virginian from a loving standpoint; it is purely a business standpoint.

Mr. Dodson: Do you happen to know anything about the amount of money the Virginian Railway earns on one of these 100 car trains?

Mr. Kennedy: I have heard one of the conductors say one time it was a right good amount. It didn't concern me.

Mr. Dodson: You know nothing about it?

Mr. Kennedy: No, sir.

Mr. Dodson: Are you in a position to state positively that reducing these trains to 50 as a minimum would put the Virginian Railway in the hands of a receiver?

Mr. Kennedy: No, I would not, more than this; I will say this; that very often the Virginian has given us improvements from time to time. Recently they went to some expense there to give us a crossing. I suppose it cost $2,000. We have been after the Virginian for some years. They said year before last when we first asked for improvements there, which they afterwards made, that they had to go very slowly because they were not earning anything. As to whether they were earning anything I don't know. That was the reply they made to me when I was mayor of the town.

Mr. Dodson: You are naturally interested in the Virginian Railway because it runs through Lunenburg County and service on the road is good.

Mr. Kennedy: Yes, sir.

Mr. Willis: Mr. Chairman, I suggest that, after these gentlemen finish, there may be something on the other side.

The Chairman: I think they said they wanted to be heard.

Mr. Dodson: Yes, sir.

Mr. Willis: What I was going to suggest was this; that we set some time within which each side should be heard. I

understand we are to conclude this hearing this afternoon, are we not?

The Chairman: We would like to. There is no time set for it.

REMARKS OF MR. J. BERLINGETT.

Mr. Chairman and Gentlemen:

For the benefit of members of the committee who have only heard of the Virginian probably casually, I might say that the road runs from the mining country in West Virginia through the State of Virginia to Tidewater at Norfolk. Its principal mileage is in the State of Virginia, and the State of Virginia derives the principal benefit as the result of the road having been built. When the Virginian was built, its purpose was to develop territory lying dormant, not only in the State of West Virginia in the coal regions, but also in the State of Virginia as well. The Virginian road was built with the knowledge that its principal business would be very low class revenue bearing traffic. It followed, therefore, necessarily followed, that the road would have to be so constructed to admit handling heavy freight trains, otherwise it could not exist at all, it could never have gotten into existence. It forced its way across the State of Virginia on a low grade at very heavy cost. The percentage of coal is 85 per cent. of the total freight business of the Virginian road. Now, I am going to give you a few figures. I am not going to overburden you with statistics and I am not going to say very much; but what I will give you I would like the committee to give very careful consideration to because it is mighty important to the State of Virginia. The Virginian Railway gets less money for handling a ton of freight a mile than any railroad in the world. To show you a comparison and to show what the coal carrying roads are doing in the State of Virginia, I would just like to read this statement. The English railways receive over 23 mills for handling a ton of freight one mile; that is the average for

handling a ton of freight one mile. The German and French railways receive 14 mills for handling a ton of freight one mile. The average of American railroads is 7 4-10 mills. The Virginian Railway receives an average for handling one ton of freight one mile 3 4-10 mills. Just think of that! Just think of that as an asset for the State of Virginia. For handling a ton of coal a mile the Virginian Railway receives but 3 mills, less than one third of one cent. The Virginian Railway has to haul a ton of coal more than six miles to get enough money to buy a two-cent postage stamp; at the same time these gentlemen here, the conductors, are asking that the Virginian Railway be killed off. The Virginian Railway as an asset to this State of Virginia is equal to a second Panama Canal from one side of the State to the other. If this bill is made a law, it would mean that the Virginian Railway would have to run in a year 4,678 additional trains, or 539,000 train miles. It would cost the Virginian Railway to run these additional trains $982,000. There would be other expenses besides that would foot it up over $1,000,000.00 It would mean absolute financial ruin for the Virginian Railway. There would not be any question at all about it. The railroad would not be able to pay interest on its mortgage bonds; and it is mortgaged for less than one half the actual money put in the construction of the road. The other half gets no interest at all, never did as yet. Mr. Dodson spoke about a receivership. The Virginian Railway could not keep out of a receivership if this bill is made a law. This State cannot by one farthing increase the rates on the Virginian Railway; at the same time this bill would mean cutting the rates on the Virginian Railway in two. That is not all by any means. The Virginian Railway, in addition to this expense for a low grade line, has in use locomotives of modern type, powerful engines, and is equipped with the strongest steel car equipment. Mr. Dodson, or some person, spoke some time ago about the troubles of a crew carrying drawbars. The Virginian Railway has a

record of four years without having pulled out one single drawbar in its whole service.

Mr. Willis: What is its record in regard to bursting air hose?

Mr. Berlingett: I will come to that later. Short trains wouldn't overcome that, you know.

If this bill was made a law the Virginian Railway would at once have to go out and purchase double the number of locomotives that they now have, although at the same time they have plenty of locomotive power to handle all of their present traffic comfortably and successfully, because we can show that our big trains are entirely successful. How would the Virginian Railway be able to do that with impaired credit? We could not go out and get any money, because we would show that our business was being done at a loss. Now there would be but one thing left to do, and that would be curtailment of traffic at its source; in other words limit the output of the coal mines. How is that going to help the conductors who present this bill? Either that would have to be done or the coal would go into other channels, to the west or somewhere; it could not come through Virginia because it could not be hauled except at a loss.

Mr. Willis: That is just the point, if you will excuse me, I have heard advanced. I would like to know something about it. I have heard the argument advanced that coal in that way would not be hauled to Norfolk or Newport News either, could not be hauled.

Mr. Berlingett: Except at a loss. We could not stand that very long. It could be hauled, but at a loss. That is very easily figured out. It would cost us a million dollars, and we haven't got a million dollars over our interest now on one-half of the cost of the railway. We don't earn that much now.

Now, we have heard a good deal about this bill as a measure of safety. It is put up as a reason for the bill, I presume. I do not believe that any more erroneous claim

could be brought forward. There are more people killed and injured on the Pennsylvania Railroad, for instance, mile for mile, than on any railroad in Virginia. Now the reason is plain: There are more trains run. Isn't it reasonable to say that the more trains you put on the road, the more men are involved and the more accidents you are going to have, and the more men will be injured and killed? Isn't it reasonable that if the Virginian ran a lot of short trains, there would be more people hurt than if they were running a few long trains. I have a few statistics on that point, too.

Mr. Robertson: What do you consider the length of a train should be on your road for safety and efficiency?

Mr. Berlingett: Depends on the part of the road.

Mr. Robertson: Aren't you an expert in the handling and running of trains?

Mr. Berlingett: I have had some experience.

Mr. Robertson: What do you consider would be a maximum train?

Mr. Berlingett: I have never figured that question.

Mr. Robertson: That is what I want to know.

Mr. Berlingette: I can tell you what we are doing. At the present time we are handling on parts of the road in Virginia 80 loaded cars. On other portions we have handled 100 cars. On the same part of the line we have handled successfully, and made the trip over a 125 mile division in 9 hours with 125 loads; so you see we are not overloading our engines or trains. Since the Virginian Railway has been in operation, about five years, there has not occurred on the line a single death, the cause of which had anything whatever to do with running long trains. In connection with personal injuries during the period of two years ending last June, 1913 (I am taking the record for the entire road, because we run 100 per cent. big trains in Virginia), on trains of 50 cars or over there was one person injured in every 498 trains run, or one to every 57,270 train miles; while on trains of less than 50 cars one person was injured

to every 221 trains, or one to every 24,341 train miles. Thus it will be seen that the number injured on short trains was greater by more than 100 per cent. than the long trains.

Mr. Robertson: How do you account for that?

Mr. Berlingett: A short train brings in its wake a lot of accidents that do not go with long trains. The trains run faster. You can't hold them down. They get off the track more and there are more men involved, and they naturally hurt more people and catch more people at highway crossings; and I think that has been explained and that accounts for it largely. But this is the record. I am not taking isolated cases of things that happened on long trains. Of the persons injured during the two-year period mentioned on long trains only two conductors (the men who are asking for this bill) were injured. One of those had a knuckle pin fall on his toe. The other was knocked down in a caboose when it was struck by a switching engine in the yard. It was mentioned here this morning about one of our officials being injured. That same gentleman who was injured appeared before this committee two or three days after the occurrence. He did not seem to be very badly crippled up. He simply lost his balance on one of our trains and struck his head, but did not hurt himself. It was the lone case that Mr. Dodson brought up in connection with the Virginian Railway. It is not worth talking about except as a basis of showing how little does happen on these long trains.

Mr. E. W. Knight: How many drawheads have you pulled out in the long trains?

Mr. Berlingett: I said that we had four years back of us without a single case of pulling a drawhead out.

There is also a great deal said about the hardship and the number of hours put in on road trips and getting caught on this sixteen-hour law. In our long freight train district the trips average from terminal to terminal (we have districts of 126 miles) nine hours and forty-eight minutes. During the past year there occurred only twelve instances

in Virginia of train crews on trains of over 50 cars tying up on the road out of 5,979 trains run, so that a man would run a train about 500 days before this awful sixteen-hour law would catch him. That is, it would average that. The causes of these trains tying up were as follows: Six were tied on account of the line being blocked by derailment (there would have been more if there were short trains); two on account of bridges washed out; one by a bridge burning up and one by the engine not steaming. That is in the whole year. And two in the whole year on account of breaking in two. The average delay to all trains of over 50 cars run in Virginia, on account of breaking in two (and, mind you, that average represents all big trains) is 8 minutes for each train.

A Committeeman: That is from bursted air hose or breaking in two?

Mr. Berlingett: Yes, sir, breaking in two or something causing trouble. There would be just as many air hose on a short train and they would burst as quick or quicker; so that doesn't enter into it really.

The Virginian Railway was known from its very inception as a line that was properly adapted to and in order to exist would have to run long trains. The men taking employment in train and engine service on the Virginian Railway were aware of this fact at the time they entered the service. These men made no complaint at that time and they are making no complaint now.

A Committeeman: Do you mean the employees on your road, your engineers and conductors, are making no complaint on this point?

Mr. Berlingett: In our long train territory they made no complaint, knowing that we handled nothing but long trains when they entered our service, and they are making none now.

The bill could not have anything but the very worst effect on the railways of the State, and on the State itself, and on the employees also.

I wish to thank you for the opportunity you gave to hear me.

Mr. Willis: What is the average grade on the Virginian?

Mr. Berlingett: Where we handle our long trains we handle them with one locomotive, and the average against the loaded movement is two-tenths of one per cent.; that is about 10 feet to the mile.

Mr. Willis: Does that include your road from Norfolk to Princeton?

Mr. Berlingett: We have one six-tenths grade of seven miles west of Roanoke.

Mr. Willis: How does that compare with the other cross-state roads, do you know?

Mr. Berlingett: The C. & O. have about the same grade very nearly.

Mr. Willis: Would you say as a practical railroad man that handling a long train, say a 100-car train, on a greater grade than the Virginian uses, would be more dangerous than using it on the Virginian grade?

Mr. Berlingett: Well, I would not say that, with equipment and power to handle the train.

Mr. Willis: What I am getting at is this: I propose to ask the advocates of this bill when they come back again if they have any suggestions to make along the line of limiting the length of trains in proportion to the grade on which they run. What do you think of that?

Mr. Berlingett: That would not be a good proposition. The railroads cannot afford to have their trains limited at all. There is no use talking, it is either one thing or the other. They have got to go into bankruptcy or they have got to be let alone when it comes to handling their trains.

Mr. Willis: So far as you know, then, there would be no limit that should or ought to be set.

Mr. Berlingett: No, sir, there is no compromise.

Mr. Willis: The only limit being the physical limit that is placed on the number of cars that you can handle.

Mr. Berlingett: Yes, sir. The railway itself will do that.

REMARKS OF MR. W. H. WELLS.

Mr. Chairman and Gentlemen of the Committee: I do not know that I am a speaker at all, and I have no statistics or no papers to offer in this connection at all. I claim to have the distinction, however, of handling more cars per day's work in the last four years than any other man in the United States.

Mr. Dodson: May I ask you a question?

Mr. Wells: Yes, sir.

Mr. Dodson: Whom do you represent?

Mr. Wells: I am representing W. H. Wells at the present time. I am an employee of the Virginian Railroad.

Mr. Dodson: You are not representing the Virginian Railroad?

Mr. Wells: Yes, sir, I am here in the employee of the Virginian Railroad to state facts.

Mr. Dodson: All right, sir, proceed.

Mr. Wells: I will say to you, gentlemen, that I have not been coached one minute. I don't know what the Virginian Railroad people expect me to say. I am going to say to you facts as I understand them in reference to handling long trains. I have handled the longest train (and I have the movement of that train in my possession at the present time) that was ever pulled through the State of Virginia. Mr. Burlingett spoke of it as a nine hour train. I will say for Mr. Burlingett's information as well as you people that it was handled in less than nine hours, station to station, and I have the time in my pocket and will show you. Now, in reference to handling long trains: My friend, Mr Dodson, this morning told you gentlemen of this committee, or tried to point out to you where it was dangerous to handle long trains. I will admit that it is dangerous to handle long trains or short trains. His idea is to cut these trains in two, as at present, or limit them to fifty cars. The train that I pull day in and day out every day in the month is 100 cars, 100 loads one way and 100 empties the other. I will say that in the month of August I made thirty-four days, that is, thirty-four

times over the road; in the month of September I made thirty-two times over the road; in October thirty-three times over the road; in November thirty-three days, and have worked to the present time since August, and have kept account and I have the first minute's overtime to ever make. For you gentlemen's benefit, I wish to say that overtime is paid to employees after we are on the road eleven hours on our road, which is figured on a basis of eleven miles per hour. I want to say further that we consider we get paid for what we do; and I wish to say to you right now that any railroad man in the State of Virginia gets paid for what he does, but the time will never come when I, as a railroad man, will get paid for the risk I run or for the trust that is put in my hands. That is a fact. The gentleman over there tried to picture to you that the long trains were the root of all evil. I am the man that is responsible for the braking of this train; it is in my hands to manipulate it. We figure as a mechanical basis to use braking power of eighty-five per cent. of the light weight of cars; at the present time with our 100,000 capacity cars it figures up twenty-two per cent. on the load weight. In the last thirty days, or last sixty days, on some railroads vitally affected by this law if it goes into effect, tests have been made with 70-ton cars, or 144,000 pounds capacity cars that figured 85 per cent. on the light weight, and on the loaded weight the ratio was below sixteen per cent. I handle 800 wheels with a brake shoe on every wheel. These gentlemen would have you cut that down to fifty cars, or give me 400 wheels with which to do that braking. These gentlemen on this side of the house, these railroad men, have already asked for bids on 100-ton cars. Gentlemen, it is not the number of cars I pull that interests me, but it is the weight I pull. He would have me thundering down over this track with 100-ton cars, fifty of them, with half the wheels to do the braking with.

Now, with reference to handling trains successfully: I can say for the benefit of you people that I have handled these long trains since the Virginian Railroad was built. I am the only man who has stayed in the through freight service and not taken

a local or work train, of the older men. I am at the present time the oldest through freight man on the Virginian Railroad. I prefer it to the local freight; I prefer it to the shorter trains because I am not hampered by any switching, and for that reason have been continually in the service, and I made the assertion that I had handled more cars than any man on the Virginian, if not in the United States, per day's work; and I have got the first time yet to ever have a serious accident that was traceable in any way to a long train. The only accident I have ever had since I have been on the road was with a shorter train of 80 cars, which was caused by a broken flange. Now, gentlemen, these people have not talked to me. I don't know whether I am trampling on the railroad companies' toes or not; it doesn't make any difference; these are facts with me. You who have kept up with railroad building in the last ten years know that the appliances for railroad work have gone forward by leaps and bounds save in one, and that is the loaded car wheel. There is no improvement on the car wheel in the last ten years, that is, in any way at all in the ratio to the handling of trains and the weight they are supposed to carry. It is true we have the rolled steel wheels. If you make a wheel hard enough so that the flange will not cut sharp, you have got a wheel that the flange is so hard that it will probably break going over frogs. If you make it so it will not break it is so soft it has to be taken out and turned down. When I went railroading (which is some years ago, because I am old enough to have a son running an engine) I remember the first twenty-ton car I ever saw, a coal car on the Big Four Road, and I looked at it as a marvel. I remember a set of wheels that were put on a locomotive I was running last June, and an employee of the R. F. & P. Railroad visited me at my home and went back a third time to look at those wheels; it was a marvel to him, a man who had run an engine on the Southern and C. & O. and is a passenger man on the R. F. & P.; he went back a third time to look at that pair of wheels because they were so heavy. Do you know what they weighed? They weighed 940 pounds to the wheel. Five years

ago the heaviest wheel that ever was brought on the Virginian weighed 720 pounds, when the railroad was built. These wheels were increased in size, and there was something evidently wrong because it was put in in June and taken out Christmas Day. It was so heavy they couldn't chill it, and it had to be taken out. Now, do you want to add the weight of a 100-car train and put it in a 50-car train and ask me to go thundering through the country with a braking power of one-half? I don't want to do it.

Mr. Robertson: Do you think a 100-car train of 50 tons each, a 100-car train of that size, would be safer than 200,000 pounds?

Mr. Wells: I say to you I can do a better job of braking and a safer job of braking because I have a greater ratio to weight on that car.

Mr. Roberts: Didn't you say they were ordering larger cars?

Mr. Wells: No, sir, I said they had already asked for bids on these cars to find out what they would cost; and I will also say that the Master Car Builders Association, which meets in June of each year at Atlantic City, was asked for specifications of what they would consider would have to be necessary for drawheads on cars of over 50 ton capacity. These trainmen will tell you that an engineer occasionally gets on a high horse and jerks out a drawhead, as they stated to you. We say break a knuckle. That is what we do on our road once in a while, or an air hose bursts once in a while. They have given specifications for these drawheads. Mr. Dodson told you this morning that drawheads weighed 700 pounds. If I am not badly mistaken the present drawhead weighs between four and five hundred pounds, and the specification given by the Master Car Builders at Atlantic City last June was for a 740-pound drawhead, exclusive of the knuckle, which weighed 140 pounds. We break knuckles once in a while. I have broken some in my time. I had a conductor tell me the other day (he is in the house at the present time, but has his hands tied and can't express an opinion)

that he believed he could count the knuckles on one hand that I had broken in a year. There is a dispatcher in the house, who will tell you, or who can tell you, that he has never gotten a delay on me from breaking a knuckle on a 100-car train; but we do break them once in a while. Now, just picture the cripples you would have in the State of Virginia on railroads if they had to trot up alongside a 50-car train with 140 pounds on their back to put it in when we get mad and jerk it out. I tell you, you will cause more delays on freight trains; there are bound to be more delays and accidents from this cause than there is at the present time.

As to what Mr. Burlingett said in reference to a conductor. I was one of the engineers that was affected by that letter that was written. The letter was actually written and written by E. L. Reed, a member of the O. R. C., the very next man for passenger service on our road, I had engine 740 which pulls 100 cars every day. We had a surplus of those engines, and during the time some of the regular men's engines were in the shop, they allowed the younger men to use these heavier engines in place of the ones that pulled eighty cars, and he, being one of the younger men, or the youngest man, was not lucky enough to get it, and he wrote the Superintendent a letter and made a big kick because he didn't have a heavy engine that could handle 100 cars. He preferred it to a shorter train because it was an easier job. That is the fact. The conductor wrote it. I have been snubbed and I have been called names and I have had letters written to me since I have been here, warning me to stay away from Richmond. I didn't come here to testify in this thing at all, not at all. I came here about my own business on a trip to Washington, and was stopped here and asked to tell what I knew; and it is plain facts with me. I am going to tell you that every engineer on the Virginian Railroad, on the first and second divisions, a hundred per cent. strong, turned down this bill, every one of them.

A Committeeman: In what way was it put up to you?

Mr. Wells: It was put up to us the way the bill reads.

We had a copy sent to us and it was read over and the engineers turned it down. I can say to you further, and I know what I am talking about when I tell you, that every conductor on that road, but four, turned it down in their meetings.

We are the people who are vitally affected by this bill because we handle the heaviest trains in the State.

Mr. Willis: In that connection, here is something that has been handed to us, purporting to be a resolution at a regular meeting of the Order of Railway Conductors, H. H. Rogers Division No. 261, held at Victoria, Va., February 1st, 1914, at which 15 members were present, and they unanimously voted "to request you to use your efforts to enact as a law a bill which is before the House known as the Fifty-Car-Limit to a train in the State of Virginia, for the reason that longer trains are more dangerous to the employees and to the traveling public as to loss of life and limb and damage to the railroad companies' equipment, and we do not believe it will place any hardship on the companies with increasing trains." That is signed by the Secretary, J. H. Bailey.

Mr. Wells: I will ask the gentleman what the action of that same division of the O. R. C. was at a regular meeting before that? That was gotten up at a special meeting called one week ago last Sunday.

Mr. Dodson: Can I reply to the gentleman?

The Chairman: With his permission.

Mr. Wells: Yes, sir.

Mr. Dodson: I will answer it by saying to him that that business pertains to the interest of the Order of Railway Conductors, which he has absolutely nothing to do with and I don't care to have him discuss it before this committee. He has a perfect right to say anything he desires about his own organization, but we would rather he would refrain from discussing affairs pertaining to the interest of our organization.

A Committeeman: This purports to be a resolution of the Division.

Mr. Dodson: Yes, sir, it is a genuine resolution. This was a regular meeting and it so states.

Committeeman: Is it or not true that at some other meeting these gentlemen took different action?

Mr. Dodson: I might as well answer his question as to answer yours. It is six of one and half a dozen of the other.

Committeeman: That is true, but—

Mr. Dodson: If they took different action they did not address it to this General Assembly, and they did address this communication to the General Assembly.

Mr. Wells: Let me state for the benefit of the gentleman, I don't know anything about the O. R. C.'s inner workings, thank God. I am an engineer. I do know what the B. of L. E. did.

Mr. Willis: Are you a member of the B. of L. E.

Mr. Wells: Yes, sir.

Mr. Willis: Are you a member of the O. R. C.?

Mr. Wells: No, sir. I just said I was not, and I thank God for it.

Mr. Willis: I wouldn't make any personal allusions. Your statement a moment ago, there were only four conductors endorsed that, is that true or not?

Mr. Wells: That is true if men who were at meetings held by the conductors tell the truth.

Mr. Willis: You mean to say that resolution is not authentic?

Mr. Wells: I can't tell you that, because it is undoubtedly so. Mr. Bailey is a perfect gentleman. I believe, if he didn't have his hands tied, he would tell you his version of the maximum train law, as would other conductors on the Virginian Railroad.

Mr. Willis: I want to suggest that we are wasting time going into these personal matters. Regardless of who endorsed this, we are here to hear the merits of this bill.

Mr. Wells: Then let me say to you people—

A Committeeman: I think it is a matter of importance,

whether these gentlemen do or do not think that they are safe.

Mr. Wells: If I said anything personal against Mr. Dodson or any one else, that is a different thing; I am sorry for that. I don't take it as a personal affair. But if there is any truth in the men who work with me, in the great brotherhood of man, there is truth in this assertion, that every conductor who has ever been talked to on the streets, every last one on the Virginian, save four, have flat-footedly and openly refused to coincide with this bill; that the other employees have not endorsed it, not one.

Mr. Willis: Then, I understand that their official action and their personal action is different?

Mr. Wells: That may be so in connection with what he has.

The Chairman: Is there anything further?

Mr. Wells: Nothing, unless some one has some question to ask.

Mr. Morrison: The Carolina, Clinchfield & Ohio will submit a written statement with respect to these two bills, if it is agreeable to you, as it is now getting late.

The Chairman: Will you furnish us a number of copies?

Mr. Morrison: Yes, sir.

REMARKS OF MR. POTTER, PRESIDENT CAROLINA, CLINCHFIELD & OHIO RAILWAY.

Mr. Chairman:

Our road is a very small road, but I don't want it to be lost in the shuffle. Let me tell you a little bit about the history of this road. About eight or nine years ago Mr. George L. Carter, an exceptionally progressive upbuilder of the State for many years, conceived the notion of building a new trunk line from some point in eastern Kentucky to Charleston, S. C. He took the scheme to New York, and the bankers there called in engineers to figure on it. They figured on it for a while and figured that only one road would

pay. They said a two and a half per cent. grade line and sixteen degree curve line in the South would not do, because to build such a road would involve much expense and it would become congested before it could earn enough to pay the interest on it. It turned on that proposition. But they did report that a road, with low grades, and easy curvature, with heavy equipment, especially designed to handle not only eighty or ninety but one hundred and twenty-car trains would pay in time. It would not pay at the outset. If Mr. Carter succeeded in developing the Southwest though, it would pay; so they built that road, and it has been doing very well. It has not paid yet but is jumping along pretty fast. We are operating that railroad now. We start out from the coal fields with about ninety cars of coal, and we run sixty miles with them and then we double head and add pushers, and we are making a nice showing. If we were to cut our trains in two, practically, limit them to fifty cars (our operating people who are here tell me this, and I guess they are telling the truth) the transportation cost, that is, the cost of actually moving the business over the line, would be increased ninety per cent. They tell me further that that would mean a reduction of about ten per cent. in our net earnings. It would mean a reduction of about twenty-five per cent. of our surplus, that is, the amount left after paying the interest on our bonds; in other words, it would reduce twenty-five per cent. the amount available for dividends to the stockholders, which is equivalent to saying the stockholders would have to wait twenty-five per cent. longer before they can get dividends. Another way to put it would be that the short trains would mean that the public would have to wait twenty-five per cent. longer for reduced rates, employees twenty-five per cent. longer for higher wages, and, we regret to say, the owners of the property, in considering making developments would be shy about twenty-five per cent. in courage to go ahead and build. We have been working along this scheme of big train loads and heavy trains.

The first link Mr. Carter put there was between Dante, Va., and Spartanburg, S. C. After constructing that part and waiting a little while we decided to take another pull. We are now constructing another link between Dante, Va., and Elkhorn, Ky., on the same expensive big train basis. That is getting along very nicely and we expect to be operating that about next August; and we have already begun to look towards Charleston. Whether we will ever get there will depend very largely upon the acts of this legislature. Certain it is that, if the owners of this property had had any idea that there was any possibility of any such measure as this ever being enacted, the Clinchfield Railway would never have been built, and Southwest Virginia lands to-day, instead of being $100 or $200 an acre, would have been kicking along at about five or six. That would have been the situation. Now why the sacrifice should be made, I don't know. I am prepared to assert one thing, and that is this; that no railroad man in the world, whether he be train dispatcher, superintendent, manager, or executive officer, who has in his charge the preservation of the security of the life and limb of his employees, or the property or the integrity of the railroad investment, would tell you that you can handle a given tonnage over a given line within a given time in short trains either with greater economy or safety than with longer trains. You may select any ten thousand men in America, who are managing railroads to-day and responsible for the men and money, and not one in any ten thousand will tell you to go to the shorter trains. Why, gentlemen, it is manifestly absurd. I am not a technical man and would not go into that feature of it, but it does not require techincal discussion. Take this situation: Suppose you have, say 48,000 tons you want to move over a section in a day. You could move that with sixteen 3,000-ton trains, or eight 6,000-ton trains, four going each way. If you move that business in eight 3,000-ton trains each way, or sixteen trains in all, you would have sixty-four meeting points, in handling 48,000 tons. If you moved that same tonnage in eight

trains, four trains each way, you would have only sixteen meeting points. See what that means. As you increase the number of meetings for a given tonnage, you increase the complexity of operation, and the danger and expense all along the line. Sixty-four meetings, instead of sixteen, means four times the danger in transmitting orders and giving signals; four times the danger of derailments in going into and out of sidings; four times the stops; four times the application of brakes; four times the sudden strains, jars, and wear; four times the danger of congestion and the liability of collision.

Mr. Robertson: Which do you make less speed on, a short train or a long?

Mr. Potter: You make best speed on short trains. From the standpoint of getting volume of tonnage over the road in a given time, you make better time with the long train.

It would absolutely ruin the Clinchfield Railroad and there is nothing to defend it. They talk about danger. We have never had any trouble. Out of 500 movements in the last six months we had but twenty breaks in two. We have been operating six years handling 100 and 120-car trains, and we have never seriously injured one man that could be pointed to as the result of a long train. Our men don't complain.

A Committeeman: As far as you know what is the attitude of your men in reference to this?

Mr. Potter: Mr. Phetteplace is here, and I would be glad to get that from him.

Mr. Phetteplace: There is no complaint from our men about long trains. They have been getting along as well as the short trains.

Mr. Buchanan: There are some further witnesses here from the Norfolk & Western and some from the Coast Line and Southern. Shall we hear them?

The Chairman: Yes, sir.

Mr. Buchanan: We will call Mr. Hester of the Norfolk & Western.

STATEMENT OF MR. J. D. HESTER.

Mr. Buchanan: How long have you been with the Norfolk & Western Railroad?

Mr. Hester: I entered the service of the Norfolk & Western in 1885 and have been in continuous service ever since.

Mr. Buchanan: What position do you now occupy with the railroad?

Mr. Hester: I am at present Superintendent of the Shenandoah Division.

Mr. Buchanan: You know the object of this bill under discussion?

Mr. Hester: Yes, sir, I have very carefully studied the bill.

Mr. Buchanan: If you attempted to handle the traffic of the Norfolk & Western Railroad with trains limited to fifty cars, what would be the result?

Mr. Hester: It would simply mean disaster. By cutting trains in half, or reducing them to fifty cars, would mean nothing more or less than a great expense and burden on the railroad company.

Mr. Buchanan: Would that multiply the number of your trains operated?

Mr. Hester: It would simply multiply our trains and, therefore, increase the risk and hazard to the employees, as well as the public.

Mr. Buchanan: Then it is your opinion, based on your experience of years as a railroad man, that the passage of this bill, or its enactment into law, would increase the hazard to employees and to the public.

Mr. Hester: It would decidedly. It certainly would increase it.

Mr. Buchanan: Have you ever been a conductor?

Mr. Hester: Yes, sir, I had about ten years' experience as a conductor.

Mr. Buchanan: Then your statement to the com-

mittee is based on your experience as a railroad man in various positions?

Mr. Hester: It is based on my experience as a railroad man in various positions and in the old link and pin days, which I do not suppose there are many gentlemen present who remember very much about?

STATEMENT OF MR. S. NICHOLSON.

Mr. Buchanan: Mr. Nicholson, what road are you employed by?

Mr. Nicholson: Norfolk & Western.

Mr. Buchanan: How long have you been on the Norfolk & Western?

Mr. Nicholson: I have been with them about thirty years.

Mr. Buchanan: Have you studied this bill as to its effect on railroad operation as to hazard?

Mr. Nicholson: I have.

Mr. Buchanan: State to the committee your opinion, as based on your experience, as to what would be the effect of this bill as to safety in the movement of trains?

Mr. Nicholson: I think it would be a backward step as to safety. I cannot imagine how the present length of trains makes any perceptible hazard, but I can see how, to reduce this train practically fifty per cent., would increase the number of trains very largely, and consequently would increase the number of men employed and running on trains, and it would be more men that the hazard or danger of accident could happen to. The same thing would be true as to others than employees—at highway crossings, trespassers upon the tracks.

Mr. Buchanan: It would decidedly increase the number of trains to handle your present traffic, wouldn't it?

Mr. Nicholson: Indeed it would.

Mr. Buchanan: What effect does that have, the hazard, as to the public and employees if you increase the number

of trains and also the number of men employed? Would that increase the hazard of operation?

Mr. Nicholson: Certainly it does.

Mr. Buchanan: What is your present position with the Norfolk & Western?

Mr. Nicholson: Train Master.

Mr. Buchanan: Based on your experience as a railroad man on the Norfolk & Western, if this bill was enacted into law what effect would you say it would have upon the safety in the movement of trains; would it increase or diminish it?

Mr. Nicholson: I think it would very seriously increase the danger and hazard to employees and others.

STATEMENT OF MR. C. T. HESLEP.

Mr. Buchanan: What road are you employed by?

Mr. Heslep: Norfolk & Western.

Mr. Buchanan: What capacity?

Mr. Heslep: Engineer.

Mr. Buchanan: How long have you been employed?

Mr. Heslep: About twenty-seven years.

Mr. Buchanan: You have heard the discussion of this bill have you?

Mr. Heslep: Yes, sir.

Mr. Buchanan: Now, based on our present traffic, what would be the effect of this bill; would it increase the number of trains?

Mr. Heslep: Yes, sir.

Mr. Buchanan: What would be the effect of that as to hazard to employees and the public?

Mr. Heslep: As a railroad man of experience I think it would increase the hazard to employees as well as the public, by increasing the number of employees in the train service.

Mr. Buchanan: Then, it is your opinion, based upon your experience as an engineer of twenty-seven years, that

the passage of this bill would increase the hazard to employees and to the public?

Mr. Heslep: Yes, sir, I do.

A Committeeman: Are you a member of the B. of L. E?

Mr. Heslep: Yes, sir.

Committeeman: Is that organization demanding this bill?

Mr. Heslep: No, sir, they are not.

Committeeman: The conductors are the gentlemen who want it.

Mr. Heslep: I don't know. I could not speak for them.

Mr. Dodson: May I ask Mr. Heslep a question? You say you are a member of the B. of L. E. Did your lodge endorse this bill?

Mr. Heslep: No, they did not endorse the bill to get the bill through.

Mr. Dodson: They did not?

Mr. Heslep: No, sir.

Mr. Dodson: I have information that they did.

Mr. Heslep: It is my information that it was not endorsed.

STATEMENT OF MR. H. E. HUTCHENS.

Mr. Chairman:

I will not throw my hat in the ring for but a few minutes. I have a very few statistics to give you. For the last seventeen years the Southern Railway has been running fifty-five to sixty-car trains at the rate of three or four to eight per day; and, taking an average of six, it would make thirty men per day involved in that service, or approximately nine to ten thousand per annum; and for the last ten years (I have only had opportunity to go back to the records during that time) I find those trains involved directly and indirectly in six deaths and twenty-nine personal injuries. Of those six deaths, three were trespassers. One

was found dead on the track; I don't know how he was killed, but the train crew found him. One of them was killed either boarding a moving train or through crossing a moving train. One was an employee standing on the track looking at another train. Two were employees of the road trying to cross a moving train. Of the twenty-nine personal injuries, three were trespassers, five were in the derailment of an engine and caboose that was returning light after carrying down a 60-car train, three were on the ground, or track, and struck by trains or projections from trains, five in falling, jumping on or off moving trains. The remainder were minor cases of cinder in the eye or a lump of coal falling on the foot or something of that kind. That is our experience in running 55 to 60-car trains.

Mr. W. B. McIlwaine: What would be the effect financially if the bill was passed?

Mr. Hutchens: There are gentlemen more deeply interested and who have studied that matter a great deal more than I have, who have testified to the financial burden. There is no question but what it would be a great financial burden to the railroads. The object of the bill, as I understood from the gentlemen favoring it this morning, is the promotion of safety. It is utterly impossible for me to see that object, coming as a result of the enactment of the bill into a law, for the reason that you are increasing the number of trains and the hazard of accidents and increasing the number of employees involved. The gentleman (I did not catch his name) awhile ago, illustrated that point very clearly. You cannot put 16 trains on the road, meeting sixteen trains with the same degree of safety that you can eight trains meeting eight trains. You are increasing the density of traffic to such an extent that the hazard of personal injury is very much greater.

Mr. McIlwaine: The Atlantic Coast Line has Mr. Newell, its General Superintendent, here, and, as he feels interested in this bill, I would like for him to have an opportunity to make a statement.

STATEMENT OF MR. W. H. NEWELL.

Mr. Chairman and Gentlemen of the Committee:

I have just hurriedly gotten up a few figures here, some of which I will submit and then will leave the papers with the committee. The Atlantic Coast Line only has about one hundred and forty miles of railroad in the State of Virginia. We enter Norfolk and Richmond as you know. Based on October, which is one of our lightest months, we handled on our Richmond and Norfolk Districts two hundred and fifty-two (252) trains which were in excess of 50 cars per train. The mileage of these trains was 29,632.

Number of freight trains necessary to move cars in excess of 50 cars per train..... 46
Number of freight train miles necessary to move cars in excess of 50 cars per train.....4,524
(This would be an increased expense of about (7,000.00 per month.)
Of the 252 trains operated only four (4) trains parted.
Number of these trains tied up on account of the sixteen-hour law.....None
Number of freight trains run handling 50 cars and less, per train..... 580
Number of these trains parting..... 6
Number of trains of less than 50 cars tied up on account of the sixteen-hour law..... 2
During years 1912 and 1913, employees killed or injured in trains of over 50 cars..... 12
Employees killed or injured in trains of 50 cars or less..... 59

There are two paramount objects in eliminating curves, reducing grades, increasing traction power of locomotives, increasing the capacity of cars and other equipment and adopting all the modern safety devices, at an enormous expense; first: to reduce hazard and danger to the employees of the company and the public; second, to expedite the handling of freight and traffic to meet the demands of the public. Of course, there are many other reasons. It is ab-

solutely necessary, as has been stated, to employ every reasonable method to handle the property economically. This must be done in order to acquire funds for the purpose of meeting the heavy expenditures, and second, to pay a reasonable dividend to the stockholders.

I have "Exhibit A" which I am going to read and show to the committee some of the expenditures that we have made here in the State of Virginia in the past three years, and the work is now in process, and is only commencing in one sense.

Mr. McIlwaine: Is that made necessary in a large measure by a determination to handle larger trains?

Mr. Newell: Yes, sir. In addition to this I want to say that some years ago we built a Belt Line around the City of Petersburg in order to eliminate the grades so that we might haul more cars per train and also to cut out and eliminate the great hazard in the City of Petersburg. This "Exhibit A" is a statement of approximate cost of construction in the State of Virginia for 1912, 1913, and 1914 as follows:

Second track: Virginia State Line to Collier 48 miles	$ 665,000
Improvements: James River Branch, Double track line, Change of line 4.5 miles, Change of grade 1.5 miles, Double tracking existing line 1.5 miles, Total cost	285,000
Freight Yard, Falling Creek, Virginia. 360-car capacity including interlocking, Total cost	65,500
Additional freight, passenger and track facilities, Pinners Point, Virginia, Total cost	185,000
Freight Yard, Collier, Virginia, Connection with N. & W. Ry., Total cost	40,000
Replacement of Bridge, Appomattox River, Petersburg Belt Line, Total cost	85,000

Interlocking for double track between Richmond and Virginia State Line,
Total cost.....$ 73,000

$1,398,500

Estimated Cost of Petersburg Belt Line Excluding Bridge,
Total cost.....$ 80,000

That is in addition to automatic signals, that are not constructed at the present time, which it is estimated will cost about eight hundred dollars per mile. These blocks have to be a mile apart and will probably cost between six and eight thousand dollars. There is a total expenditure here in the past two and a half years of over a million and a half dollars for the purpose of increasing our safety to our employees and for the purpose of hauling larger trains in order that we might in some measure get back some money that we are losing otherwise.

Now, I want for just a moment to show you something about the increase of wages that we have paid these men behind the engine. In the past four years the increase paid passenger conductors amounted to 31 per cent.; through freight conductors 33 per cent.; yard conductors 43 per cent.; white switchmen 88 per cent.; through freight flagmen and brakemen 57 per cent.; passenger flagmen 59 per cent.; passenger baggage masters 44 per cent.; local freight conductors 25 per cent.; local freight flagmen 44 per cent.; conductors—work-trains 50 per cent.; flagmen—work-trains 125 per cent.

Now, based on the month of January, which is probably our lightest month, here are the salaries that we paid to the men behind the engines: Passenger conductors, average, month of January $177.37; freight conductors $161.09; local freight conductors $158.33; night yard conductors $124.30; day yard conductors $117.97; baggage men $103.95; freight brakemen on through freights $107.96; local freight flagmen $108.01; day yard switchmen $105.60; night yard switchmen $112.50.

Now, I just want to say in a practical way that I am speaking entirely from the standpoint of a practical railroad man. I came

up from the ranks and I have been in the service continuously of this railroad that I now represent for thirty-eight years. I have been a trainman, was for fourteen years. I listened very attentively to some of the arguments presented this morning in regard to the danger of short trains. Yes, there was danger in handling short trains in old days, in the link-coupling time and when we did not have the very best modern devices; but now we have the best that science knows anything about. The railroad companies have spent millions of dollars in its power and its equipment, and in automatic signals and everything that will possibly relate to the safety of its employees.

Mr. Robertson: From your figures there as to the difference in safety between a short and a long train. You figured the long train down to an insignificant percentage of danger. Arguing from that, if you double the size of the long train you wouldn't have any danger at all, would you?

Mr. Newell: The figures I submit are really on account of more light trains than very long trains. I don't think there is any question about that; but it is perfect absurdity, judging from my observation or experience, to say or think for a moment that it is any more dangerous to have a long train than a short train.

A Committeeman: I want to know whether there is any information before the committee as to this proposition: I represent a mining district and, whenever business is at its best, we naturally have a congestion of traffic and shortage of cars; our miners have to lay off about half the time. Is there any information before the committee as to the results in using long trains as against short trains from that standpoint?

Col. Battle: I think that matter was covered by Mr. Potter.

Mr. Potter: You double the length of the train, you nearly double the number of cars possible to be delivered to the mines in any given length of time.

A Committeeman: As to the length of time it takes to handle the cars and get them back, I want to know about what is the proportion of long trains as against short trains. I shouldn't think it would be double.

STATEMENT OF W. S. BATTLE, Jr.

I think, Mr. Chairman, that one reason that we hear so much of the hazards of railway occupations is because it is more or less of a public business. I have never felt myself that it is so much more hazardous than other occupations employing a similar number of men. I think statistics show that for the year ending June 12, 1913, there were in the United States 1,728,603 railway employees and they were paid $1,268,977,272. I simply mention that to show you the size of the business and the number of men employed. It is true that in any instrument of locomotion, whether passenger trains or freight trains or automobiles or horses or aeroplanes, anything that moves, accidents will be caused and people will be hurt. Just as long as we operate railroads we are going to have accidents; it belongs to the business; but it has been very clearly shown, I think, by these gentlemen who have preceded me and given their statistics that reducing the number of trains run reduces the opportunity for accident, and the reasons were given you. I want to pay special notice to some statements made this morning. I am not going to read all of this to you. Consider it as read. During the two years ending June 30, 1913 (and that period, June 30, was taken because it is the winding up of reports made to the Interstate Commerce Commission), trains of more than fifty cars killed one man in the State of Virginia. That man was a track laborer, run over at 4:20 a. m. August 15, 1912. It is true trains part and the effects of their parting is very unpleasant. During that two years no man was killed in the State of Virginia, where thirty-five per cent. of our trains are more than fifty cars, by the train parting. During that same period two men were killed. First, a brakeman was thrown from the top of a 41-car train by the engine breaking off and the automatic application of the air brakes, and he was killed. A conductor in a 25-car train was thrown off in front of the train and killed by the automatic application of the emergency or air brake when the air hose broke. Those were the only two cases, I think, that happened.

It is a fact that a great many more people along tracks are killed by short trains than by long trains, and I presume for the reason that long trains are handled more slowly, that they make more noise and can be heard farther. Mr. Robertson asked a question I think this morning. I did not quite get it. I understood him to mean a comparison of mileage to men killed and injured. The best comparison we can make is the basis of the train mileage. Freight trains of over fifty cars in length killed one man. There were 4,173,027 train miles run with the death of one employee. Trains of less than fifty cars killed 20 employees. One employee was killed to each 518,025 miles run. Trains of more than fifty cars injured one employee for each 23,183 train miles. Trains of fifty cars and less injured one employee for each 19,045 train miles. There was discussed this morning the danger and hazards of this business, and I want to call your attention to what Commissioner McChord says in regard to accidents. He is one of the Interstate Commerce Commissioners and lives in Washington. I believe everybody here has heard of him; I know we have. He says: "There are certain accidents which occur with more or less regularity and frequency on railroads that may properly be called unavoidable. Such are accidents due to exceptional elemental disturbances, entirely unexpected landslides or washouts, want of ordinary precaution on the part of passengers or employees, malicious tampering with roadway or equipment, etc. Such accidents are accepted as among the ordinary hazards of railroading and may be dismissed from our reckoning. We deplore the casualties which accompany such accidents just as we deplore the loss of life that accompanies the destruction of a ship in a great storm at sea, but in the one case as in the other we know that no human foresight could have prevented the accident." During the period of 1893 to 1911 he also states that deaths and injuries decreased 73 per cent., and that has been since the time of the general use of the air brake and automatic couplers.

Mr. Robertson: Have you any data to show as to the strength of cars that carry coal, their strength of structure?

Col. Battle: No, sir. This morning Mr. Doak made a comparison of long trains, I think he said over 50 cars, in a certain period, in the United States, something like 375,000 miles, which had broken in two and which had caused accidents. That is about right, isn't it?

Mr. Doak: I think you are mistaken as to that part of it. There were nine cases in this brief; and, for fear that there may be some misunderstanding in reference to my position as to the brief I read this morning, I stated that I read that for a gentleman who is absent.

Col. Battle: I just wanted to get you correctly. You quoted nine cases?

Mr. Doak: Nine cases that happened on the Norfolk & Western that they had kept records of, nine Norfolk & Western cases. That was prepared by another gentleman.

Col. Battle: I did not understand. I though you said in the whole world.

Mr. Doak: No, sir, on the Norfolk & Western.

Col. Battle: I don't remember the length of time which you said it extended over.

Mr. Doak: I don't know whether that was in there. I just simply read a brief that was prepared because Mr. Dodson asked me. We filed with the committee a copy of that.

Col. Battle: During that period of these nine cases, for two years, we killed nobody with a long train, one man was run over; and we killed twenty with short trains; and I have given you cases where men were thrown off the train and killed by breaking in two or by the hose breaking.

A Committeeman: What is your proportion of long and short trains?

Col. Battle: In Virginia 35 per cent.; on the whole line something like 45 per cent.

Mr. Doak also read, I think, a statement of the Safety Commission of the Norfolk & Western, showing 1,154 injuries in three months.

Mr. Doak: I don't know the period. That was the number. It was taken from the report.

Col. Battle: Now, that means that all employees on the Norfolk & Western, and is not confined to the employees in train service in Virginia. There are employed on the Norfolk & Western I think something over 30,000 employees. There are employed in the State of Virginia, 2,328 trainmen. Other men, shop, station and track service, amount to 12,535; so there are very much fewer trainmen killed than shop men. A great many more accidents happen in shops, where a large number of men are employed and where we report anything that causes a loss of three days time, than occur on the road—many more accidents. I inaugurated the Norfolk & Western Safety First Movement, which he spoke of; and the object of that is to get the men to unite with the company (the trainmen) in an effort to prevent accidents. We know that men get into careless habits and make little mistakes that gradually lead up to big things. This movement is purely educational and is going to help a great deal and it is getting the help of all the men. These conductors (and I want to say we have got good ones on the Norfolk & Western) are looking at it, however, from a narrow standpoint. They are looking at it from their own particular point of view, from the train which they are on that breaks in two. The railway management does not look at that end alone, from his standpoint, but from the standpoint of the many other thousands of employees of the railroad company, also the standpoint of the public. They do not always appreciate that. The Norfolk & Western has spent since June 30, 1903, to June 30, 1913, for constructions, additions and betterments, and that means double tracking through the State of Virginia, building cut offs around Petersburg and Lynchburg and other points, as well as in West Virginia and Ohio, a total of over fifty-eight million dollars, for improved facilities. During that same period it has spent over thirty-five million dollars for equipment, and all that equipment is heavy equipment; I mean by that equipment which may be handled in trains of more than 50 cars. The object of all

this expenditure of money was that the trainloads could be increased. If we were to go back to the conditions that existed when that money commenced to be spent in 1903, that total of ninety-four million dollars has been thrown away. If it had been a mistake, if it had caused the loss of life or increased the killing of passengers or employees, I don't think it should be considered for one moment. I do not think a question of money should enter into the saving of life; and I think I have demonstrated very clearly that the longer the train the fewer the hazard points, the less derailments and fewer accidents. I believe it is in the interest of safety.

Professor Hadley (he is President of Yale) says: "I am afraid to believe the public or the government is awake to the real state of things. In our endeavor to control corporations we tore off a short lesson from Efficiency instead of increasing it. We are appalled by a railway accident and we suggest that every engine should have two engineers instead of one. A fast train runs off the track and a government officer suggests that people ought not to want to travel so fast. If these views prevail, the day of America's greatness is done."

I think Mr. Dodson read you this morning an extract from a Norfolk & Western time table in reference to flagging when a train breaks in two. That is absolutely correct; they break in two and they block both tracks; and these special instructions tell the men what to do in case these things happen so as to prevent accidents. The special instructions is put there for the benefit of all the men, and especially new men, and written out of the experience and observation of men who have been studying this question for years. The emergency air brake is made to stop a train quickly and stops it. I think the effect is just the same when the engineer, in order to prevent striking a person or team or stock or anything else, puts on his emergency air brake. He controls the braking power. It has the same effect on the rear as when it breaks in two; I don't think there is any difference in the effect of that air when he has to do that. He

might as well wreck the train on the rear end as when it breaks in two and the automatic air brake applied.

Instead of being in the interest of safety, I believe that you would have taken a most backward step and that your action would result in the killing of more men employed in train service, the killing of more people at road crossings and who walk along the tracks of railroads than any measure that you could pass; and I would urge you very earnestly to consider what has been said to you and not recommend the passage of this bill.

There is one other thing I did overlook. I want to quote from a statement from Commissioner McChord.

"In the light of the record, it may safely be asserted that, considering the accidents to employees which the coupler and air brake laws were designed to prevent, the greater part of those which now occur are due to the ordinary hazards of the railroading industry. It is also proper to observe that the use of these appliances, in addition to so greatly reducing accidents to employees, has brought abundant returns to the railroads in economies of operation. Not only is time saved in the make-up and movement of trains by the use of the automatic coupler and air brake, but it is also certain that the great economics of modern transportation that have resulted from heavier equipment and longer trains would have been quite impossible of realization without the use of the appliances prescribed by the safety appliance acts.

"Leaving those accidents, the causes of which are plain and against the occurrence of which the law seems to have provided efficient safeguards, we come to a class of train accidents upon which public attention has been centered for many years, but which continue to occur with distressing frequency in spite of all measures thus far taken to prevent them. Collisions and derailments were responsible for 4,163 deaths, 63,002 injuries, and a property loss of $50,025.303.00 during the five-year period, 1907 to

1911, inclusive. The number of collisions and derailments during this period, as reported by the Interstate Commerce Commission, was 61,806. No road can claim immunity from these accidents, as they occur on the best equipped and best managed roads as frequently as on roads less well managed or equipped. Moreover, there is a dreary monotony in the sameness of the reported causes of these accidents. Year after year derailments and collisions due to identical causes are reported." The causes Mr. McChord attributes to "the personal equation in railroading, showing that by far the greater number of these harrowing train accidents were due to human error. The bulletins show that errors in the operation of the train order system are frequent and fatal. Such errors are all of a kind. Dispatchers give wrong orders, or fail to give orders where they are required; operators fail to copy orders correctly, or do not deliver orders that should be delivered; conductors and engineers misread, misinterpret, overlook or forget orders."

The twenty-sixth annual report of the Interstate Commerce Commission for the year ending June 30th, 1912, gives the following statistics: Killed in collisions and derailments 772; injured 15,096. Killed by defective equipment 68; injured 1,197; of these 68 deaths and 1,197 injuries caused by equipment, only seven deaths and 59 injuries are shown as due to failure of power (air) brake apparatus, hose and couplers, and if the 7 deaths and 59 injuries can, by any stretch of imagination, be claimed to be entirely due to long trains, yet in an effort to eliminate the small percentage by this legislation the immediate effect is the multiplying of the 772 deaths and 15,096 injuries due to collisions and derailments by increasing the number of trains to be run into and derailed and the number of men on those trains exposed to injury.

The Chairman: I understand you gentlemen are through.

Mr. Buchanan: Yes, sir, we are through.

(Further hearing was adjourned until February 11th, 1914, at 10 a. m.)

February 11th, 1914, 10:00 a. m.

The committee met at 10:00 o'clock a. m., continuing its hearing on the bill under consideration.

STATEMENT OF MR. HORNE.

(MEMO.: A short portion of Mr. Horne's remarks had been delivered before the following stenographic report was begun.)

Mr. Chairman and Gentlemen,

By comparison, taking 5 conductors and comparing the total number of damaged cars in those long trains, we have during the thirty-day period 77 cars broken up, an average of 15 2-5 cars every thirty days for each conductor in this territory, in fact, also on the system. We tried to be conservative in making our estimates, and we think it is a very conservative estimate. In taking the above figures as a basis, where the five conductors handled 135 trains, one-half being loaded, consisting of trains of 60 cars on an average, and one-half on an average of 90 cars, now in those trains there are trains that have handled 100 empties and others that handled 70 loads, some less than that. In taking this as a basis we have on the system approximately 200 crews in what we term pool crew service that handle the long trains. We have crews that handle the time freight and often they do 30 to 60 loads, and in a great many cases on their return trip they come in the pool; but approximately we have 200 pool crews on the Norfolk & Western system. We have taken as a basis the cost of these cars, on an average of 3,000 cars a month, and that is a low estimate; 3,000 damaged cars a month is a very low estimate, because we are handling at the present time a good many cars with wooden draft timbers, or wooden sills, the end sills are wooden often;

and the weight of a train of 80 or 85 or 90 or 65 or 70 loads will oftentimes cause the end to pull off that car because the sills and the draft timbers are insufficient to stand the weight or pull on there. Take on a basis of 200 crews. We give you 3,000 cars damaged. We estimate the average cost of those cars at $20. Now as a matter of fact that is a low estimate, there is no question about that, because, while to-day we might have a car that broke a knuckle pin that would probably cost 10 or 15 cents to replace, we might go on in the same train a little bit further and we might pull out a drawbar that would cost labor and the amount necessary for the drawbar fixture, which would probably run to $10; or, at the same time, we might pull out an entire end of this car, or we might pull the car in two in the middle, which is often done. We estimate that taking the amount necessary to replace this pin and the amount necessary to rebuild that car, it will run up into hundreds of dollars, but we are just making an estimate of $20. In making that estimate, where we have here a comparison showing where 5 trains damaged 77 cars, it makes the total amount necessary to repair those cars of $60,000. That much is made necessary to repair those cars at the estimate we give of $20 a car. We go a little bit further; we will take the above figures as a basis, 135 trains handled, one-half being loads and the other half being empties, with an average of 75 cars per train. By the proposed bill of 50 cars this would increase the number of train crews one-third, or on the above basis, from 135 to 180. The cost per hundred miles for one conductor and two brakemen at the cost prevailing in this territory, in the eastern territory (no, the eastern territory does not pay as high rates as we do, so I can't compare the eastern territory)——at the rates prevailing in this territory for these classes of service, conductor $4.10 per hundred miles and brakemen $2.75 per hundred miles, would make a total of $9.60 per day for one crew. This, multiplied by a one-third increase, or 45 crews, would make a cost of

$432 a day. Taking the above figures, 77 cars damaged at an average of $20 a car, would make a total of $1,540; and, by comparison of what it would cost by adding the additional crews as above figured out, at $432, we find a difference of $1,108, if all these accidents were prevented or we find by comparison it would not cost the railroad one-third as much as repairs to cars on above basis.

Mr. Chairman and gentlemen, this is a serious question with us. When I say us, that is the conductors; that is, every man that comes in contact with these long trains or rides behind them, and I speak for the brakeman the same as for the conductor, because we are associated with him and we ride with him in the caboose, we are looking out for his protection the same as we are looking out for ourselves. We want you gentlemen to give us something that is going to give us, the men who ride behind these trains, some degree of safety. That is all we ask. We want some degree of safety so that we can get on our trains at the terminal and expect to get back and see our wives and children. It is no more than right; it is due these men that they should have that protection, just as much as it is that you should have protection when you get on that passenger train and start from one city to another. You expect the railroad company and you expect the employees to give you all that degree of safety that can possibly be had, and we are within our rights when we ask you to do the same towards us. Gentlemen, I hope you will give this careful consideration, careful consideration because it is worthy of that. We have a number of cases where our men have gone out, left families with a smile on their faces, and come back and sent to a hospital or sent to the undertaker. We have had that to happen not only once but numbers of times; and in the first case in there where the conductor and brakeman were knocked out of the caboose and rendered unconscious, suppose there had been a passenger train following along,

or suppose there had been another freight train following along, what would have been the result? You know.

The Chairman: Mr. Dodson, how many more men have you now who want to be heard? We are going into executive session in about half an hour and we want to close this case up.

Mr. Dodson: We have 5 or 6 more men, but they will not take up more than about 5 minutes. I will ask you to hear Mr. Draper, a Norfolk and Western conductor.

STATEMENT OF MR. DRAPER.

Mr. Chairman,

I am a conductor on the Norfolk & Western Railway on the west end. Some time ago as a train of 87 cars with two engines was going up hill about eight miles an hour a knuckle broke on the eighth car from the engine, which parted the train and threw the brakes into emergency. The impact was so great that it knocked the truck from under the rear car and put that car on the ground, and knocked the brakemen out of the caboose and broke three ribs. He was in the hospital quite a while. Another train was following us closely. It put all lights out on the caboose. By the time I could get straightened around and light a few lights, it was nearly time for that train. That is one instance. Another instance I know about; we had an automatic block system. The air hose broke in a long train on a crooked piece of track and it knocked the conductor and brakeman both senseless. A passenger train was following closely, and they came to just in time to flag the passenger train. We are in constant fear of riding the caboose on these long trains. We have to keep ourselves braced all the time in order to keep from getting injured, and we are worn out when we get home. I don't know from my experience that I ever saw a person injured riding behind a small train. I just want to make these

statements and don't know as I need take up any more time.

A Committeeman: What is the status of the law governing these cases in adjoining States? West Virginia, for instance?

Mr. Draper: I don't know, sir. I never went to West Virginia.

Mr. Willis: Do you know, Mr. Horne, what is the law in other States?

Mr. Horne: We have no law that governs the Mallet engine that I know of.

A Committeeman: Is there any reason why we should have this applicable in Virginia more so than in other States?

Mr. Horne: No, sir. We say we need it every place. We need it in West Virginia and Ohio the same as here.

A Committeeman: What States have you got it in?

Mr. Horne: We have it in Arizona. That is all I know. I don't know whether they have it in Indiana or not.

Mr. Cardwell: Mr. Horne, may I ask you one question? Was this bill pending before the Ohio Legislature recently?

Mr. Horne: I don't know whether it went to committees or not, but there was a bill drafted.

Mr. Cardwell: It was contested in the Legislature, wasn't it?

Mr. Horne: I don't know whether it ever got to the committee or ever got up or not. Mr. Draper says it didn't get to the committees.

Mr. Dodson: I will ask you to hear Mr. Meetze.

STATEMENT OF MR. MEETZE.

Mr. Chairman and Gentlemen of the Committee:

I want to say that, in my judgment, the railroad companies have failed to make out a case. Their argument from start to finish, from A to Z, before this committee day

before yesterday and before the Senate Committee on yesterday, was to this end; that the longer the train the less chance there was for accident, and the shorter the train the more liability of accident. Their arguments and statistics from start to finish have been to make the impression upon this committee that it was really dangerous to get upon an engine-and-one-car train; but if you had a train from 1 to 5 miles long you were at safety. I think when I start home again I will ride a coal train to Washington if their testimony and their statistics are true. Now, Mr. Miller asked a question a while ago, and I am sure he did not understand that when he asked if a 50-car train would not stop as quick as a 100-car train when the air hose parted. That is true, Mr. Miller, but, in a 50-car train, if you have a foot of slack to a car, you have 50 feet of slack, and with a hundred car train you have a hundred feet of slack; in other words the caboose on a 100-car train runs a hundred feet before it gets against the mountain, and a 50-car train runs 50 feet. Now the engineer upon the Virginian (Mr. Wells) who testified yesterday and the day before, said that he hauled shanty cars in a train of 100 cars (I don't doubt his word); that he handled the crankiest foreman of a crew that ever was hauled in any state, and, if he upset a cup of coffee, he heard from that man. Now, if these long trains can tear up a stove out of a floor that is fastened with three rods as large as my finger and throw it clear across the car, I want to ask you what it will do with a cup of coffee? Now they do that. When these concussions come they rip these stoves up root and branch and carry them to the other end of the car, either strip the threads off or tear the floor up. Now, these are facts and I challenge successful contradiction of it. The foreman of those shanty cars never could get to that engineer, because he is a mile ahead of him all the time. How could he get there to cuss him out? He cuts off a mile ahead of that fellow, puts his engine away, and is in bed and asleep before that man can

walk that mile. Mr. Wells certainly ought to be handling a Pullman car train of 100 Pullmans. A man that can handle a train as he can, I believe he must know how to handle it. I want to tell you, when you have 100 cars and 100 feet of slack, and something happens to the air, there is something going to happen to the people and to the public traveling on a passenger, or freight train that comes along there and runs into that train. There was quite a laugh before the Senate Committee yesterday when I said something about a train handling 90,000,000 pounds. I meant 9,000,000. I got Mr. Buchanan this morning (he laughed at me) to figure on that thing, and instead of 9,000,000 it is 15,800,000 pounds that one of these trains weighs, including the cars and 60 tons of coal to a car. Get your pencil and paper and figure it. I want to ask you what is going to happen when 15,800,000 pounds is going 20 to 30 miles an hour and something happens? I want to ask you another thing: Do you believe that if this bill is passed and becomes a law any road in the State of Virginia to-morrow will haul one pound of coal less than they are hauling to-day? They use their pushers on these trains they have to-day; they have to have a crew on these pushers, therefore, if they cut the train in two they will only need an extra caboose. They have got the crews already on the road. The argument was used that they could not get these cars back to the mines in time. I tell you that an engine with 50 cars can get them back quicker than an engine with 100 cars. This is not a bill calculated to put any railroad into bankruptcy or into the hands of receivers; and, if you find it is, it is your duty as representatives of the State of Virginia to defeat it. We are elected by the people to enact certain laws as will be for the benefit of all concerned. The question was asked, had any other states adopted this rule. I say that Virginia has been a leader of the great Commonwealths, and it is up to her to lead in all laws that will set an example to the world, therefore, it makes no difference whether any state has

adopted it or not. If it is a good one, it is up to Virginia to be in the lead. God forbid that I should ever raise my hand or voice against any railroad company; but it is for the interests of employees and for the public, and, it has been shown here by figures, it is for the interest of the railroad companies. Didn't they meet here in defence of the caboose bill and the electric light bill and every other bill, that has been produced here? Yet they have gotten together amicably; they have been adjusted and the railroad men have their cabooses and have their electric lights. They can produce the neatest set of figures over night of any set of gentlemen that I have ever seen. They have the brightest and best attorneys that the State can produce. I take my hat off to them, and they are the kind I like to come up against, because, when you associate with smart men, you possibly will be enlightened yourself. I thought last night that by to-day they would prove that they have never killed a man since they have been in the railroad service——and they came very nearly proving it yesterday evening before the Senate Committee. I think the general manager of the Virginian said that they had killed one man since they have been in service. I think he was run over. It was one of the railroads that ran over a tramp in the Dismal Swamp.

Now, I am not going to take any more of your time. I believe that this committee will seriously consider this bill as drafted; that it will seriously consider the statistics produced here by the railroad people and by the employees, and it will seriously consider the testimony of the men behind these trains from day to day, who know the facts, who ride behind these trains and whose lives are in danger from minute to minute. It is your duty as members of this committee to weigh all this evidence and to render a verdict according thereto.

Mr. Birrell: As patron of this bill—

The Chairman: Do you want to close?

Mr. Birrell: Yes, sir.

The Chairman: Let Mr. Fitzhugh be heard first.

Mr. Dodson: Whom does the gentleman represent?

Mr. W. B. Fitzhugh: I represent the farmers of the Eastern Shore of Virginia.

STATEMENT OF MR. W. B. FITZHUGH.

Mr. Chairman:

Reaching the city yesterday evening, I heard of this bill. I am not here representing any railroad company, corporation or syndicate. Every member of the legislature knows my position. I am here simply as to local conditions in regard to the 50-car limit. You take for instance the Eastern Shore of Virginia, one of our little local towns—take my little Town of Machipongo—

The Chairman: Have you a railroad over there?

Mr. Fitzhugh: Yes, sir, the grandest people, the finest women, the most magnificent horses and oysters and sweet potatoes.

The Chairman: How about the men?

Mr. Fitzhugh: Plenty of that, and juleps to put it in.

The Chairman: I didn't say anything about mint; I said men.

Mr. Fitzhugh: Mr. Fitzhugh thinks that wherever there are men there ought to be mint.

This is a serious matter to the people of the Eastern Shore of Virginia. I am going to try to be brief. For instance, right in my own town we have an average of 100 to 125 carloads of potatoes a day. Our market to-day is $4.50 a barrel for potatoes. If you restrict that to carrying out 50 carloads of potatoes and the market is $4 to-day, to-morrow morning probably before ten o'clock the market has fallen down to $2; the consequence is that 50 carloads of potatoes are left on that siding to the injury and detriment of the farmer; they are at a heavy loss. I have seen carried over our line, which is almost a straight line, as high as 125 cars of potatoes with perfect safety. We have delivered

those potatoes and we have had no trouble and complaint. On the contrary, if this bill is adopted and we have sold to-day in the City of New York 75 cars of potatoes, and they can only carry out to-night 50 cars at $4 a barrel, my other 25 cars are left there at a fall of $2 a barrel on those potatoes.

Mr. Dodson: What railroad is that?

Mr. Fitzhugh: The New York, Philadelphia & Norfolk.

Mr. Dodson: Is it a fact you have as many as 50 cars of potatoes at one time at a station?

Mr. Fitzhugh: We have as many as 100.

Mr. Dodson: Isn't it a fact the railroad could run two trains as well as one?

Mr. Fitzhugh: If they had the engines, but our system over there hasn't got the engines to run out a 50-car train at a time.

Mr. Dodson: Are you connected with the railroad in any way?

Mr. Fitzhugh: No sir. I am a farmer and a sawmill man. I am not connected with any railroad company, nor do I own any interest in a railroad company and no railroad company has asked me to appear here to-day; but I feel a deep interest in the success and welfare of the farmers of the Eastern Shore of Virginia. For that reason I asked the Chairman to allow me a few moments to tell you that it would be a great detriment to the Eastern Shore if you put upon us a 50-car limit. Right at my little station we have on an average of 100 cars in our potato season, every day, and you can pick them up from one station to another.

Mr. Horne: Have you ever had any trouble in getting your potatoes out after you delivered them to the railroad people? Have they ever come to you and said they could not handle them?

Mr. Fitzhugh: Yes, sir, and I lost last year about $400 in one day's delivery by not being able to carry them out. I say for that reason it is an important matter to the Eastern Shore of Virginia. I don't know how you transport

things on other lines, but on our line it is almost a level air line from Cape Charles to Delmar, and we can carry with perfect safety 100 to 120 cars on a train. At this season of the year we are planting now. You take my little farm; I will plant 350 barrels of potatoes on my little farm. It is so in a radius of five miles; so you can see what an enormous amount of potatoes we have at Machipongo, and at Cheriton they pick up others and all that has got to go into 50 cars. Two-thirds of our potatoes would be left until the next day, which might be a $2 market instead of a $4 market to-day. That is my reason. I don't want my 50 carloads of potatoes and my tenant's potatoes left there because they haven't got the cars or haven't got the engines at least to carry them out.

Mr. Brown: Hasn't your road an equipment of engines and all appliances to run it?

Mr. Fitzhugh: I think they have, about as well as other roads.

Mr. Brown: They have plenty of cars?

Mr. Fitzhugh: Yes, sir.

Mr. Brown: All you will have to do is to put another engine on another 50-car train.

Mr. Fitzhugh: Suppose they didn't have another engine and they came to my station and had picked up at Birds Nest or Eastville 45 cars, and I have 15 cars; 10 of my cars must be left there to wait for another engine.

Mr. Brown: Couldn't you sue the railroad company?

Mr. Fitzhugh: Yes, sir, we can play thunder and lightning with some people and then we don't get anything when we sue.

Mr. Brown: It is a great big rich road.

Mr. Fitzhugh: I don't know anything about the wealth. I guess they are about as rich as the rest of them.

Mr. Horne: You are simply looking at this from a pecuniary standpoint?

Mr. Fitzhugh: I don't know about the pecuniary stand-

point. I am looking after the interests of the farmers of the Eastern Shore of Virginia.

Mr. Horne: You are perfectly willing to sacrifice the life or limb of one man on these 125 cars—

Mr. Fitzhugh: Not for a million.

Mr. Horne: To save ten or fifteen dollars?

Mr. Fitzhugh: Not for a million.

Mr. Buchanan: As a matter of fact it has been shown by statistics that long trains in Virginia have not injured—

Mr. Fitzhugh: Who is it I am answering now?

Mr. Buchanan: I am telling you what the facts were the other day. I want to show that the facts before this committee have shown the operation of long trains is not more hazardous than short.

Mr. Fitzhugh: We have had no accidents from long trains in our community. We have had some trouble with fogs or trouble with orders not being carried out; but our engines can carry over our line 120 or 125 cars with the same safety as 50 cars and no more risk of the engineer and fireman than with 10 cars. The question is we want to get out our potatoes. We want to ship our potatoes out there on the market on which we have sold those potatoes. We want the privilege of sending our potatoes out on the market on which we have sold them. We sold our potatoes this morning in New York or to the Produce Exchange for $4 a barrel, and we have 100 carloads as an illustration, or 60 carloads, and 50 carloads go out, 10 are left. To-morrow the market will fall. As you know and every man knows the market falls in about six or seven hours, sometimes $2, sometimes $1.50, to the detriment of the farmer. Why let 10 extra cars of potatoes be left on that siding in order to let them take but 50 cars when they could carry 60 as easily without any further trouble and annoyance to the crew or anybody else—just as safe to carry 60 as to carry 50.

Mr. Dodson: You said a moment ago that 125 cars could be handled with the same degree of safety as a 50-car train.

Mr. Fitzhugh: As far as I can see on our line, yes, sir.

Mr. Dodson: Have you ever been an employee of these railroads as conductor or brakeman?

Mr. Fitzhugh: I have been no railroad man, or you and I both might have been dead.

Mr. Dodson: You have had no experience at all?

Mr. Fitzhugh: Only by my personal observation as a newspaper man twenty years in my town, I have watched transactions on railroads, the shipment of cars, and I think for the N. Y. P. & N. we have had fewer accidents and less trouble on full trains than on short. Most every accident that has occurred has occurred with us on short trains instead of long trains.

Mr. Dodson: Isn't it a fact that you are much more interested in the movement of your potatoes and the prices than you are in the lives and limbs of these railroad employees.

Mr. Fitzhugh: Not at all. I am not that narrow-minded, I hope. That is all I want to say, and I hope you will give this careful consideration. It would mean great and serious injury to the people of the Eastern Shore of Virginia in transporting their Irish and sweet potatoes. We want our potatoes to get out of there. With the equipment they have now, at this season of the year they can't get our potatoes out under the new system like under the system they have now. It would be impossible to move the potatoes. They can hardly move them to-day with the present system, much less the 50-car system.

Mr. Brown: How many barrels of potatoes does a car carry?

Mr. Fitzhugh: I am supposed to put 190 barrels. I put it as high as 220 many a time. Mr. Robertson knows what I am saying and knows that it is a fact; and if this bill passes it will be a most serious injury to the Eastern Shore of Virginia and it will cost the Eastern Shore of Virginia thousands and thousands of dollars this year. I don't know how it will be next year when they are prepared for it.

They are not prepared this season. They couldn't handle them last year. As Mr. Robertson knows, we had how many thousands of barrels to spoil on the station? Thousands and thousands of barrels. Couldn't begin to move them, and with a 50-car system there we will have I suppose an average of 10 or 15 cars of potatoes waiting for transportation every night.

STATEMENT OF MR. BIRRELL.

Mr. Chairman:

I have not testified because you would have had the testimony of a theorist. I want you gentlemen of the committee to throw out all the testimony of theorists and take the practical men and the only men who are capable of giving you evidence as to the effect of the operation of these trains, the men who operate these trains, themselves. I have as much regard for the interests of the railroads, and we are only asking that you treat the railroads fairly. We want to treat them fairly. We know you will treat them fairly and we know you will treat the men fairly. I have as much regard for the farmer and his interests. I believe that they are the only producing class almost, so far as the wealth of this world is concerned, that we have to-day; but I want to put before you in the consideration of this case in your mind's eye a big scale, as it were. I want you to weigh the effect on these railroad companies and on these farmers, and on the other side I want you to put the mangled bodies of these men who are wounded or killed on these railroads, and weigh if you can the tears of the widow and the orphan. I want you to put them on the scale, if you can, and let you weigh them. If, as these gentlemen contend, the operation of these long trains is a source of danger to employees, I don't want you to let any consideration of wealth or the effect on the farmer or on the railroads guide you in arriving at the conclusion that you shall arrive at.

I say further than Mr. Meetze, that, if this is a source of danger, if lives are being crushed out by the operation of these trains, even though the railroads go into the hands of receivers, it is your duty, as the protectors of the interests of men and property, to put the lives of men paramount to any property interests that the State of Virginia can boast of to-day. I want you gentlemen to consider this faithfully, earnestly, and prayerfully. I want to get with you some early morning, and I would like to have gotten with you this morning, as I was conscious this morning of having left undone things that I ought not to have done. (Laughter). I notice there are a lot of Episcopalians here. I was painfully aware of my many shortcomings, and I felt like joining a lot of kindred spirits in prayer. Now take this matter under your consideration and deal with the railroads justly, and deal with the men justly, and I believe that whatever verdict you arrive at will be one dictated by your reason and by your conscience.

Mr. Willis: There is something I do not understand exactly about this. I would like to ask one of these railroad men this: It has been stated here very frequently, or as I understood, the principal danger from these long trains is where the train breaks in two up near the engine; that that car where it breaks has the brakes applied immediately to that.

Mr. Horne: Yes, sir, to all of them. If all the brakes set at the same time it would not be much of a shock back there; but if the first brake goes to emergency, it takes a certain time for that air to work back there. If you have got a car in that train that is cut out, in other words, the brakes not working, it will not set the brakes to emergency back to the rear; but if all the brakes would set immediately—

Mr. Willis: I see now.

Mr. Robertson: You mean that some at the rear would not set at all?

Mr. Horne: They will set to a certain extent.

Mr. Cousins: As the trainmen have a good many men

here and the railroad companies have all their witnesses here we want to ask if you cannot arrange to give us a hearing so as to finish up the debate on the Full Crew Bill. I presume you have this Car Limit argument out of the way.

The Chairman: We can't hear it this morning.

Mr. Cousins: Can't you arrange to hear it this afternoon?

The Chairman: I will let you know after we get through with the executive session.

Mr. Buchanan: Mr. Kidd will tell you about the air brakes. What is your business, Mr. Kidd?

Mr. Kidd: Specialty man, Instructor of Air Brakes and general utility man. What was the question Mr. Willis?

Mr. Willis: The question was answered to my satisfaction a moment ago as regarded why the rear end of a train stopped any more abruptly than the front in emergency. The gentleman stated it was because the rear end was stopped by the bumpers hitting the cars ahead, and the front end was stopped by the brakes. That was what I wanted to know.

Mr. Kidd: The brakes can be set, and do set if there is anything like the average working order, on a hundred-car train in five seconds.

(Hearing on the Bill under consideration having been completed, the committee went into executive session.)

CAR LIMIT BILL

Hearing Before Committee on Roads and Internal Navigation of the Senate of Virginia.
Feb. 10th, 1914, 4 p. m.

The committee met at 4 o'clock p. m. in the Court Room of the State Corporation Commission, Senator Harmon, Chairman, presiding.

The Chairman: We are ready to take up Senate Bill

117, which is a bill to prohibit railway companies from operating freight trains in this State, consisting of more than fifty cars, and to impose a penalty for failure to comply with the provisions thereof. The Chair would suggest to the committee that we find out from each of the parties interested how much time they would like to have to be heard on this bill, and to try to meet their views as near as we possibly can.

Senator Lesner: Would half an hour on each side be enough?

The Chairman: Mr. Buchanan, do you represent the railroads?

Mr. H. G. Buchanan: I represent the Norfolk & Western Railroad.

The Chairman: How much time do you need?

Mr. Buchanan: The Bill is being now heard by the House Committee and I think to-morrow is the third session. It is a most important bill, and it is estimated that it puts an annual increased charge on my railroad of more than one and a half million dollars, so you can see the importance of it.

The Chairman: You need about an hour then.

Mr. Buchanan: Pretty near.

Mr. Dodson: I think we can get through with our side of it in thirty minutes, possibly; not over forty minutes at the outside. There are not many to be heard on our side on account of postponing the date. We had fifteen or sixteen men here that wanted to be heard on this bill, but, when it was postponed from the 3d to the 9th, those men were costing the organization eight dollars a day and we could not keep them here, consequently, we had to send them home.

Senator Watkins: I move we give each side thirty minutes.

Mr. Buchanan: That is a matter of impossibility. The president of one railroad company is here and the general

manager and officials are here to give the committee the benefit of their views.

Senator Lesner: This is a very important matter.

Mr. Buchanan: I heard the general manager of one railroad yesterday state that it would be the financial ruin of his railroad. I don't think he could himself present his views in thirty minutes on a matter that is going to ruin four or five hundred miles of railroad.

The Chairman: The Chair will suggest that we hear these gentlemen until a quarter after six. If they do not finish then we can give them another hearing.

Senator Lesner: Not a quarter after six, but six o'clock. I move we hear them until six o'clock and then determine how much further time we will give them.

Mr. R. B. Bruce: I would like to have fifteen minutes. That is all the time I will ask for.

The Chairman: The committee wants to give you as much time as you want.

Mr. Buchanan: We will not take a minute more than absolutely necessary.

The Chairman: This committee is an extraordinarily intelligent committee—my colleague from Richmond says no more than other committees. I except those he is on out of a matter of courtesy, but I am satisfied the committee will give them a hearing until they have made up their minds.

STATEMENT OF MR. DODSON.

Mr. Chairman:

I want to say in behalf of this bill to begin with that the impression has been made here before the General Assembly that the people who have introduced this bill here are trying to bankrupt the railroads. My friend, Mr. Buchanan, just related that to you a few minutes ago. I want to say to you gentlemen that it is far from that; we have no such idea; in fact, it would be very foolish in us to undertake to

do such a thing. We are as much interested in the operation of railroads as these gentlemen who sit around here, but the conditions are these: The service that we are required to provide with the long trains and the accidents that are occurring on these trains every day are killing and injuring so many of our men, and the position has become so hazardous that it has made it necessary for us to come to this General Assembly and present the bill as has been drawn here. These committees of our organization have taken this question up with the managements of these railroads (some of them, not all of them) and they have failed to get any concessions whatever or any relief along this line. You will have the statement made to you that they do not pull out many drawheads. We will admit that on some of these trains that is a fact; the cars are so constructed that it is almost impossible to pull out one unless you pull the end of the car off; but the drawheads break off and knuckles break and knuckle-pins break, and when these breaks occur the result on the rear of these long trains is that the heavy concussion is just the same as if it had pulled the drawhead out or the end of the car out, because the brakes immediately go into emergency, and there is where our trouble is.

Now, I have got here a brief prepared that I would like to read, which outlines pretty clearly our position in the matter, and states, I think, ten specific cases with long trains.

MEMO: Mr. Dodson here read to the committee the brief prepared by a committee of the Order of Railway Conductors, dated Roanoke, Va., January 31, 1914, being the same paper read before the House Committee on Roads and Internal Navigation at the hearing upon the Car Limit Bill, February 9, 1914.

The Chairman: Is the Norfolk & Western the most dangerous road in Virginia?

Mr. Dodson: I hate to say that, but there seems to be

more trouble on the Norfolk & Western than any other at this time. My personal opinion is that it is a good road and well operated.

The Chairman: Do they have all the safety appliances on those trains?

Mr. Dodson: Yes, sir. I don't know of anything short on any of those trains in the way of the Safety Appliance Act at all. I think the trains are properly equipped. It is not a question of their being improperly equipped; it is only a question of their being so long and the weight such that the draft rigging and drawbars will not stand the strain and they are pulling out and the result is just as you have heard here.

The Chairman: Do the drawheads or drawbars ever pull out of a shorter train, say a train of thirty cars?

Mr. Dodson: Yes, sir. I have seen them pull out of ten cars; but you must understand, Mr. Chairman, that when these drawheads pull out on thirty cars, or on ten cars, they haven't got that amount of slack which you have got in a long train; you don't get the heavy jam on the rear that you get in a long train. There is the trouble. If we could handle these trains successfully you would never have this bill here. That is all the trouble we have; there is so much slack in these long trains that even with the air hose bursting the air goes into emergency and the shock is just as great as if you pulled out a drawhead; and it has almost gotten so, in fact, it has gotten so, on some roads that conductors won't ride on the rear end of these trains; you can't get them on there, notwithstanding the fact that the rules of the company require them to ride the rear end of trains to properly protect the end. They will not do it. There are men running trains in the State of Virginia that have not ridden a caboose car in three or four months, I expect longer than that. They are afraid of getting killed.

Senator Lesner: Where do they ride?

Mr. Dodson: Ride the engine.

The Chairman: Passengers don't ride on these long freight trains, do they?

Mr. Dodson: No, sir, I would be very sorry for them if they did, if they have the experience we are having with them. And when these breaks occur and the flagmen or conductor is knocked unconscious, and a passenger train is due which they are required to protect and they don't protect it, you realize what the result is and realize something about who is going to suffer. That is where the public gets into it. We think the public should be as much interested in it as we are.

The Chairman: When was it that the last accident occurred on the Norfolk & Western when a passenger train was caught by the pulling loose of a drawhead?

Mr. Dodson: I don't think they have had one caught yet. The one that a freight train caught happened on the night of the 26th, if I am not mistaken. I was before the Committee on the Caboose Car Bill the same day and told them this thing would happen sooner or later, and it might be a passenger train, and it did happen that night, but it happened to be a freight train instead of a passenger train.

The Chairman: Did it wreck the freight train?

Mr. Dodson: You just heard me read the report. It stripped both engines and left the fireman's head in one place and part of his body and heart in another place, and had him in three pieces strung up on these all steel coal cars.

The Chairman: Was that in Virginia?

Mr. Dodson: Yes, sir, it happened at Irvin, just west of Bedford City, on the Norfolk & Western.

There is another matter I would like to call your attention to in regard to heavy trains, and that is this; that on some of these lines represented here they do not have as much trouble as far as breaking in two is concerned as the Norfolk & Western does. I am unable to tell you why that is. I always thought that the Norfolk & Western felt that they had as good equipment as in the State of Virginia, or any other state; but for some reason or other they seem to

have more breakings in two than any other road, and more employees injured. Here is another hardship it works on us; you take these freight divisions, I will say from 125 to 150 miles long. Ordinarily these trains should go over them in nine or ten hours and without the sixteen-hour service law interfering with them at all, but they are being caught out on the road and being required to tie up for ten hours' rest, and when they do that the railway company is put to additional expense; they have to send out for them in many cases because shippers are waiting for coal. They have to pay the conductor that goes out. The man that is tied up has got $4.10 per hundred miles and the man that goes to get him gets $4.10. The conductor who is tied up gets mileage when he is hauled in, and we have some cases where they paid one conductor for 125 miles as much as $12.75, as much as three conductors would get for going over the road. I hope you will disabuse your mind that we are trying to bankrupt the railroads. We regret it as much as anybody else that railroads go into the hands of receivers. We simply ask for a train we can handle with safety and protect the lives of the traveling public. That is all that we ask for in this bill; and here is a copy of this brief which I read which I will be glad to leave with you gentlemen.

I would like for you to hear Mr. Meetze.

STATEMENT OF MR. MEETZE:

Mr. Chairman and Gentlemen of the Committee:

Having had nine years' experience on railroads, and representing a county with two double track railroads and one single track railroad, and a great many of my constituents being railroad men, I was asked to support these bills which were being introduced here for the relief and for the safety of the railroad employees and the public. Captain Dodson has given you all the figures, and I shall dwell upon a different line of thought. In presenting this argument to you, gentlemen, I want to say in the outset, that if this com-

mittee believes that this bill, which is introduced by the railway employees, will bankrupt any railroad in the State of Virginia, without any consultation with them I say to you, don't pass this bill; but we do ask you gentlemen of this committee to seriously consider the proposition which is put up to you in regard to this bill, carefully considering the public and the employees, before you decide upon the merits of this bill.

Now, the railroad people here are represented by talent unequalled in the State of Virginia or in the United States. They are going to present to you figures which will make Brother Dodson's look like thirty cents; but I want you to be careful, gentlemen, to analyze these figures. They are going to produce testimony here that will show you, or they are going to try to show you, that the longer the train the less apt to accident, and the shorter the train the more hazard. This bill was discussed yesterday nearly all day before the House Committee, and that was the main point that they made, that the shorter the train the more the accidents, and the longer the train the less the accidents. They almost made me believe yesterday that it would be dangerous to undertake to go from here to Washington on an engine and caboose; but if you could get a train that would reach from here to half a mile beyond the Jefferson Hotel, it would be absolutely safe to ride upon it. I asked these railroad gentlemen, "How many of these long trains do you ride on the caboose of?" Now I lived in shanty cars nearly nine years. It was the rule of the railroad company to haul these cars in the rear of trains. I didn't ride in any 100-car train, thank goodness; I rode in them of 10 to 25, 30 and 40. I have had my length measured on the floor of that car more than once. I have had my men knocked out of bunks at night, the stove turned upside down and the table and dishes and everything put in one pile in the corner. Now, why was this? It was because, when these accidents occur, the weight and concussion is so great there is nothing on God's earth will prevent it. You take a train of 125 cars

long, which is one mile and a thousand and some feet, or a mile and quarter long, weighing ninety millions tons, the train and all; (Laughter) get your pencil and figure it. When the air hose bursts, when that train is running twenty-five or thirty miles an hour you see what is going to happen. A drawhead doesn't have to pull out, but the bursting of a hose or a knuckle breaking. When a knuckle breaks the train parts, and when the train parts the air hose bursts, and when that is done, it is thrown into emergency, and there is part of your train thrown on the next track or in the field; and here is a passenger train approaching you. How are you going to stop it? Now, there was a bill introduced a week or two ago, two of them in regard to caboose cars and in regard to headlights. These gentlemen fought those bills the same as they are fighting this one. They pleaded bankruptcy, they pleaded destruction to their roads. They have gotten together with the employees and have adjusted those two bills. The employees and the railroads have gotten together on them and they are going to have the caboose cars they want and they are going to have the headlights. Now, they come here and ask you for another thing that it is essential they should have. One of the head officials yesterday (I think it was Mr. Maher) got $1.25 a ton for delivering coal from the mines to Deepwater. With a 100-car train at 60 tons to the car, I ask you what the freight will amount to on that one train? Seven thousand five hundred dollars. Yet they are running behind and unable to keep up with the times. On a great many of these trains they use pushers. Why? Because one engine can't handle these long trains over the mountains. If they cut this train in two they could take that pusher through and make two trains and go to the Deepwater, and take these two engines and get the cars back to the mines quicker than with one. They claim that is a great point, that they must keep cars at the mines to keep the employees at work. Now, can't an engine get back with 50 cars quicker than with 100? They will also show you how the salaries have been increas-

ed in the past ten years of their officials or their employees. I ask them, have they voluntarily increased their employees' wages, or did they have to go after them to get it.

Senator Lesner: I don't see what that has to do with the bill, Mr. Chairman.

Mr. Meetze: You will see before their testimony is through that it has something to do with it.

The Chairman: They will tell us their side. You tell us your side.

Mr. Meetze: That is what I am trying to do. They also will undertake to show you that the accidents in short trains are a great many more than the accidents in long trains, but they will not show you in proportion to trains. We all know there are hundreds of short trains run to those of long trains; but the accidents in long trains are greater in proportion to the number of trains run than in short trains. Now these gentlemen have not come here with this bill to antagonize the railroad companies—absolutely not—but it is for the protection of the employees and of the public. Now, you might say, what has the public got to do with this business? It has just been stated by Mr. Dodson that when these accidents occurred they have plenty of examples to show that the other track is blocked when these concussions come; and these passenger trains on the road are moving and one is going to dash into these wrecks and dozens of lives snuffed out. We simply come to you all with this bill in an honest, upright, honorable way and ask you gentlemen to consider its merits; and if you believe that it is going to bankrupt any railroad company to comply with the provisions of this bill, I warrant you that the employees do not want you to pass it; but I do ask you to seriously consider the bill and see if there is not merit in it and report this bill favorably and let it come before the House and Senate for consideration. I thank you.

The Chairman: Anybody else, Mr. Dodson?

Mr. Dodson: That is all.

Mr. Buchanan: I want to introduce Col. Battle, of the Norfolk & Western.

STATEMENT OF W. S. BATTLE, JR:

Mr. Chairman and Gentlemen:

Mr. Maher, Vice President of the Norfolk & Western, was before the House Committee yesterday in reference to this measure, but he could not be here to-day on account of having to prepare to meet the Interstate Commerce Commission in Washington to-morrow in regard to other railway matters.

I hardly think that Mr. Meetze meant that the railway men who produced figures here would deliberately try to mislead this committee. The accident statistics and all other statistics are filed with the Interstate Commerce Commission in Washington, or filed in the State of Virginia with your State Corporation Commission, and they are wide open to his inspection at any time, or the inspection of any other citizen.

The Norfolk & Western seems to be the road which is under chief criticism for its accidents.

I will present to you as well as I can the statement that Mr. Maher made yesterday to the House Committee.

Mr. Buchanan: How long has Mr. Maher been connected with the Norfolk & Western?

Col. Battle: Thirty odd years. That is the statement made by Mr. Maher yesterday before the House Committee and he had to leave and I delivered it to you.

Now I want to take up some of the statements made by Mr. Dodson. He said his bill was limited to a train of one engine. We have divisions on which one engine handles just as much as two handle on another part of the road. I think I am correct in stating that on the east end of the Norfolk & Western divisions they handle five thousand tons with one engine; on other parts it would take two engines ahead and a pusher behind to do that.

In discussing the accidents which he read to you and which had happened over a great period of years, he did not mention accidents happening to trains of less than 50 cars. We have accidents on both kinds of trains, and a train of less than 50 cars can cause just as serious an accident and kill just as many peo-

ple, or a light engine can if it is run into, as anything else. He told you of the emergency brakes, the automatic application of the air brake when the train parted. It is true, the parting of a train applies the full force of the brakes on all of the wheels in that train and stops it. That is what that automatic brake is for. The same effect exactly is obtained when the engineer uses his brake valve in emergency; he applies the full force of his braking power to every wheel in the train just at that time; and yet these gentlemen would increase the number of trains and increase the number of opportunities for that engineman to apply that emergency, which is the same as breaking in two, by limiting the size of trains to 50 cars. He spoke of an accident which happened on the Norfolk division on January 26th at Irvin. He told you that this train had a hundred cars. It did. That there was a passing loaded freight train; that the cars in this train (the eighty-first and eighty-seventh I think he said) buckled, sidewiped that train, killed the fireman and injured another man. That accident happened. A knuckle pin broke in the tenth car of that 100-car train; and that 100-car train weighed in round numbers two thousand tons. We handle with that same knuckle pin five thousand tons. It is not a question of the length of the train. We don't know what causes a knuckle pin to break. We know they do break. In this particular instance the train was going down grade about fifteen miles an hour. The breaking of the pin in the tenth car from the engine tore the air coupling in two and applied the emergency brakes with full force on every wheel in that train back to the caboose. That caused the eighty-first and eighty-seventh cars to buckle and lean over and swipe this passing freight train. The man who was killed was the fireman. The men who are in danger in these cases are engineers and firemen, not the conductors and brakemen particularly, but particularly the enginemen and firemen. They are not asking you for any 50-car limit. They know that the more you increase the number of trains the more you increase your meeting points, and your meeting points are your danger points whether on single track or double track.

As I explained yesterday, if you have two trains each way a day you have four meeting points; if you have four you have sixteen; if you have ten you have got one hundred. On our division from Roanoke to Walton we have a train movement that goes up to forty each way a day—not all at the same time, however.

He also told you the number of employees this safety pamphlet described as having been injured. I inaugurated that Safety Movement on the Norfolk & Western, and it was in realization of the fact that more men are hurt from themselves than from accidents. We are trying to educate all of them to do their best and to prevent their fellow men from being hurt.

He told you of 1,134 accidents. I don't know how many deaths there were in that, probably four or five. That represents not only the men in train service but all the men in shops; and a great many more men are employed in shops than in train service. It represents men in track service; it represents the mashing of a finger or anything else that requires the loss of as much as three days' time; so, when you analyze it, it is really not so bad. We have on the Norfolk & Western something like 30,000 employees.

During two years (and this report is made to wind up, on June 30, 1913) trains of more than 50 cars killed one employee, and he was run over down here in the swamp about four o'clock in the morning; he wasn't killed in a train accident. There was not a man killed in a train accident of a more than 50-car train. That is for two years ending June 30, 1913. These figures are made that way so that they would fit with the years' reports made to the Interstate Commerce Commission. During that same period twenty employees, as I explained to you, were killed by trains of less than 50 cars. One of those men, a brakeman, was killed on November 1st, 1911, when the engine to his train broke off and applied the brake in emergency as it will do, and threw him off, and his train ran over him and killed him. That train consisted of forty-one cars, eighteen loads and twenty-three empties. Another one, a conductor, in a train of twenty-five cars, was thrown off the top of a flat when the air hose burst

and applied the brakes and killed him. There were two within this period, one in a train of forty-one cars, and one in a train of twenty-five; and not one has been killed in any such accident during that time or since that I know of.

Commissioner McChord, who is a member of the Interstate Commerce Commission in Washington, has made a study of and investigated these railway accidents. He says: "There are certain accidents which occur with more or less regularity and frequency on railroads that may properly be called unavoidable. Such are accidents due to exceptional elemental disturbances, entirely unexpected landslides or washouts, want of ordinary precaution on the part of passengers or employees, malicious tampering with roadway or equipment, etc. Such accidents are accepted as among the ordinary hazards of railroading and may be dismissed from our reckoning. We deplore the casualties which accompany such accidents, just as we deplore the loss of life that accompanies the destruction of a ship in a great storm at sea, but in the one case as in the other we know that no human foresight could have prevented the accident." He further says that "As a result of the adoption of these improved safety appliances, the total number of deaths and injuries in 1911 was 73 per cent. below that of 1893. This great reduction in hazard of operation has resulted although movement of traffic has enormously increased, as appears from the following table." I will not quote that.

As long as we have railroads we are going to have accidents. A great many more men are killed in collisions than any other class of accidents. The safety devices and precautions which have been provided have reduced that very largely. We have collisions. We have collisions in the ocean. A very distressing one the other day—two steamships on a track three thousand miles wide and they collided. We have got four feet eight and a half inches on the railroad and can't get off. Sometimes they collide.

He further states: "In the light of the record, it may safely be asserted that, considering the accidents to employees which

the coupler and air brake laws were designed to prevent, the greater part of those which now occur are due to the ordinary hazards of the railroading industry. It is also proper to observe that the use of these appliances, in addition to so greatly reducing the accidents to employees, has brought abundant returns to the railroads in economics of operation. Not only is time saved in the make-up and movement of trains by the use of the automatic coupler and air brake, but it is also certain that the great economics of modern transportation that have resulted from heavier equipment and longer trains would have been quite impossible of realization without the use of the appliances prescribed by the safety appliance acts.

"Leaving those accidents, the causes of which are plain and against the occurrence of which the law seems to have provided efficient safeguards, we come to a class of train accidents upon which public attention has been centered for many years, but which continue to occur with distressing frequency in spite of all measures thus far taken to prevent them. Collisions and derailments were responsible for 4,163 deaths, 67,002 injuries, and a property loss of $50,025,303 during the five year period 1907 to 1911, inclusive. The number of collisions and derailments during this period as reported by the Interstate Commerce Commission, was 61,806. No road can claim immunity from these accidents, as they occur on the best equipped and best managed roads quite as frequently as on roads less well managed or equipped. Moreover, there is a dreary monotony in the sameness of the reported causes of these accidents. Year after year derailments and collisions due to identical causes are reported." The causes Mr. McChord attributes to "the personal equation in railroading, showing that by far the greater number of these harrowing train accidents were due to human error. The bulletins show that errors in the operation of the train order system are frequent and fatal. Such errors are all of a kind. Dispatchers give wrong orders, or fail to give orders where they are required; operators fail to copy orders correctly, or do not de-

liver orders that should be delivered; conductors and enginemen misread, misinterpret, overlook or forget orders."

And, yet, notwithstanding the conclusion reached as the result of this investigation and report, the General Assembly of Virginia is asked to enormously increase the number of trains to be operated.

Since 1903 the Norfolk & Western has spent in construction, additions and betterments $58,000,000. Since 1904 it has spent in heavier equipment, that is, engines to pull these trains of more than 50 cars, and cars to handle more coal (and I will say right here that we are now building and trying to perfect a car to handle a hundred tons of coal), $35,000,000 and over, making a total of $94,000,000. That money was expended with the purpose of increasing the train loads so that they could make some money out of the freight they carry. It was spent with the expectation of decreasing accidents and decreasing hazards; and it has done so. If the results had shown that very nearly a hundred million dollars had been thrown away and the result had been a greater sacrifice of life, whether to passengers, the public or employees, I don't think this company would ask you to pay any attention to it; they would have made a business mistake. The results have not shown that. I thought the Norfolk & Western had a pretty good record; I have been working for it a long time, and I was right proud of it until these gentlemen told you how disastrous it was. I do not recall when there has been a passenger killed by a train accident in the State of Virginia. I do not think, in the time of this few years' record and which I have given you, any passenger was killed in any kind of accident. Only one employee was killed by a train of over 50 cars, he was a trackman found dead in the swamp at 4 o'clock in the morning. Twenty were killed by trains of less than 50 cars. It is a hazardous business and death and injury go with it. Money is paid because the business is more hazardous. If it was as safe as farming the money wouldn't be there. But it is not as hazardous as you would be led to believe. With the number of men employed in the service and the hazardous

occupation, there are not so many killed and injured. Every kind of transportation, whether automobile, or horse, or wagon, or steam locomotive or aeroplane, has accidents and always will.

I have tried to show you in this as frankly as I could the Norfolk & Western's situation. As I stated, the Interstate Commerce Reports are open; they can be verified by Mr. Meetze or any of these gentlemen who would like to do it. There is nothing to conceal about them, not only in reference to accidents but all other railroad matters. It is practically the government running us now, certainly supervising us. I can't say to you too earnestly that if you want to increase your accidents and if you want to increase your deaths and if you want to bankrupt the railroads, pass this bill and you will do it.

Mr. Buchanan: I will ask that the committee hear Mr. Johnson, General Manager of the C. & O. Ry.

STATEMENT OF MR. GEORGE P. JOHNSON:

Mr. Chairman and Gentlemen:

I am general manager of the Chesapeake & Ohio. Our Vice President was expected to be here but he had to go away.

In making the statement representing the C. & O. Ry. there are a few things I think the committee should know the importance of, in addition to the figures I will give. The C. & O. is known as a coal carrying railroad, and is in the same list as other lines in Virginia as regards that fact.

In the year 1900 the C. & O. Ry. carried 4,116,970 tons of coal, of which 2,550,165 tons were shipped east, 1,795,541 tons to tidewater, 754,624 tons inland. We handled in the same year 5,630,000 tons of freight other than coal and coke.

In the year 1913 the C. & O. Ry. carried 16,047,704 tons of coal, of which 6,086,408 tons were shipped east, 3,531,202 tons to tidewater, 2,555,206 tons inland. We handled in the same year 9,126,000 tons of freight other than coal and coke.

In order to do this it was necessary to change the construction of the line as was originally constructed over the mountains, or to buy another railroad which would give us a low grade freight line where it was possible to handle such trains. This was done by the purchase of the Richmond & Alleghany Railroad, between Clifton Forge, Va., and Richmond, Va., at a cost of $13,000,000 where it is possible, by reason of the low grade line, to haul large freight trains at a minimum cost, and were we compelled to comply with the provisions of this bill the investment would practically be wasted, for the reason that our rates have to be in proportion to the rates of other coal carrying railroads both north and south of us, and if our train haul was limited it would increase our expenses to such an extent as would eliminate us from the coal business. To show you the importance of our coal carrying traffic, and the amount of money that has been spent in the last ten years, in order to handle it economically and efficiently, the C. & O. Ry. has purchased modern cars and engines costing $17,000,000 and are to-day receiving 4,000 additional cars costing approximately $4,000,000, and fourteen locomotives costing $420,000.

If this bill is passed in any form limiting the possibility of economical transportation, it would eliminate the C. & O. from its coal business, not only through the State of Virginia, but through the other States it operates, for the reason that it must necessarily have a market all of the year round in order to keep its coal field in operation; and in the summer time when the coal business is at its best in the west, on account of the lake season where a large portion of our coal is put during that time, the coal companies who have invested their money on the C. & O. could not keep an organization and be ready to supply the market as it developes in both directions.

If this bill is passed it will cost the C. & O. Ry., in Virginia alone, one-half million dollars per year additional cost in operation, and if the provisions of the bill were ex-

tended over the entire line limiting the number of cars to any one freight train the additional cost of operation of the C. & O. Ry. would be two million dollars per year, or 8 per cent. of its gross income.

Mr. Dodson spoke of the Corning accident. Did you mean the Corning, N. Y., accident?

Mr. Dodson: I so specified.

Mr. Johnson: I don't know whether the committee are familiar with that accident or not. The Corning accident happened July 4th, 1912, and was a rear end collision on the Delaware, Lackawanna & Western Railway between two passenger trains. There were no freight trains involved in that accident. There was a freight train that caused one of the passenger trains to stop. The accident was caused by improper flagging and the engineer going by an automatic signal. I just bring that out to show the committee what the Corning accident was. Here is the official report of that accident made by the Public Service Commission of New York.

"ACCIDENT INVESTIGATION."

Report on Collision at Corning, N. Y., by the Second District Public Service Commission of New York.

Rear end collision between trains No. 9 and No. 11, on the Buffalo Division of the Delaware, Lackawanna & Western Railroad, July 4, 1912, near Corning, N. Y.

Summary of Facts.

1. Trains involved in collision: No. 9 (The Buffalo Limited) and No. 11(solid express), both westbound.

2. Train No. 9 was composed of 10-wheel type locomotive No. 1052, and 8-wheel type locomotive No. 973, one buffet car, eight sleeping cars, and two coaches. Train No. 11 was composed of 10-wheel type locomotive No. 1026, seven express cars, and one combination express and crew car.

3. Train No. 11 collided with the rear end of train No. 9 which was not moving, demolishing wooden coach No. 86, and then tearing into the end of steel coach No. 160, shoving the same about forty feet into the wooden sleeping car Esthonia, demolishing same.

4. Location: About 1¼ miles east of Corning Freight Station on the Buffalo Division of the Delaware, Lackawanna & Western Railroad.

5. Date and time: July 4, 1912, at 5:20 a. m.

6. Casualties: Forty persons were killed at the time of the accident or received injuries which resulted in death within a few hours; seventy-five persons were injured, ten of whom received injuries of a serious nature.

The commission presents herewith the report of Supervisor of Equipment, A. Buchanan, Jr., of his investigation of the rear end collision which occurred on the Buffalo Division of the Delaware, Lackawanna & Western Railroad near Corning, July 4, 1912. The principal data regarding this accident are summarized above.

CIRCUMSTANCES ATTENDING THE ACCIDENT.

These, as set forth more at large in Mr. Buchanan's report, are as follows:

On the morning of July 4th, freight train No. 61 left Elmira at 3:52 a. m., and at 4:40 a. m. pulled in on siding at Corning Freight Station to clear train No. 9, which was due at 4:45 a. m.

Extra freight train No. 393, consisting of engine No. 393 and 55 loaded coal cars and caboose (3,00 tons), left Elmira at 4:03 A. M. and arrived at east end of siding at Corning Freight Station distance 15.86 miles) at 4:46 a. m. On arrival at the east end of Corning Freight Station siding it was found that train No. 61 was not in on siding a sufficient distance to permit extra No. 393 also to occupy it and clear the main line. It was necessary for a train man to go forward and instruct train No. 61 to pull

further west on siding. Train No. 393 had, in the meantime, pulled in on siding about twenty-five car lengths, and was compelled to stop until train No. 61 proceeded west on siding. In again starting train No. 393, one of the sills on Delaware, Lackawanna & Western steel hopper car No. 72992 (located the twentieth car from engine) broke, causing the train to separate. Before this train came to a stop, Flagman Michael O'Conner had dropped off to flag train No. 9 between home signal 278.1 and distant signal 277.3 about 3,500 feet east of the rear end of train No. 393 when it came to a stop at the east end of siding.

Train No. 9 (two locomotives and eleven cars) left Elmira at 4:37 a. m., fifteen minutes late. Arriving at the vicinity of Corning Freight Station they found signal 277.3 set at "Caution," and proceeded with caution. About 2,500 feet further west they found flagman of extra train No. 393 and torpedoes. The flagman of extra train No. 393 informed engineer W. Still that train was pulling in on Corning Freight Station siding. Train No. 9 proceeded about 2,000 feet further west and found signal No. 278.1 set at "Stop," and stopped one minute in accordance with signal rules, and then proceeded with train under control, stopping again with rear end of train about 250 feet west of signal No. 278.1 which was set at "Stop" arriving at this position about 5:20 a. m. Flagman Edward J. Lane then started to protect his train, and proceeded east about 2,550 feet, or about half way between signal 278.1 located about 250 feet east of train No. 9 and set at "Stop" and signal No. 277.3 located about 4,474 feet east of train No. 9 and set at "Caution."

In the meantime, engine No. 1052, the first engine of train No. 9 had been cut off to push the rear of disabled end extra freight train No. 393 into Corning Freight Station siding.

Train No. 11, consisting of one engine and eight express cars, left Elmira at 5, a. m., fifteen minutes late, and while running at a speed of from sixty to sixty-five miles an hour,

Engineer William H. Schroeder ran past "Caution" signal No. 277.3, the signals of Flagman Edward J. Lane and "Stop" signal No. 278.1 and collided with the rear end of train No. 9, cutting through the entire length of the wooden coach No. 86, completely demolishing it, and tearing into the end of steel coach No. 160 about eight feet, shoving same about forty feet into wooden pullman sleeping car Esthonia, demolishing same. Steel coach No. 160 had in the meantime turned over on its right side, the front end of engine No. 1026 being close to the east end of steel coach No. 160. Wooden coach No. 86 was distributed on both sides of engine No. 1026 below the running boards. Train No. 9 was not moving at the time of the collision.

THE COMMISSIONS' FINDING.

The investigation shows clearly that the primary cause was the entire failure of Engineer William H. Schroeder of train No. 11 to observe signals. The signalling system in use on the Lackawanna is an automatic system actuated by means of electric track circuits, and compares favorably with the standard signalling systems used by the principal railways of the country. The evidence shows that the head train, No. 9, was protected by a full stop signal about 250 feet east of the rear of the train, by a flagman about 2,550 feet east, and by a caution signal nearly 4,500 feet east of train No. 9. Engineer Schroeder of train No. 11 disregarded all three, and appears to have run at full speed into the rear of the train ahead without making any effort to stop.

Mr. Dodson quite properly brings to the attention of the Committee the danger features there are in railroading and lays particular stress to the dangers of long trains. We operated in Virginia last year, 4,900,000 freight train miles, and our records show that of the persons killed 11½ per cent. were killed by the so-called heavy trains and 88 per cent. by the light trains, and of the portion injured on our line

during the same period, 10 per cent. were injured by the heavy trains and 90 per cent. by the light trains. Our figures show that 48 per cent. of the trains operated, making the mileage so stated, were of more than 50 cars, and the balance of the trains were less than 50 cars. It would, therefore, appear that if our trains were reduced to a maximum of 50 cars that the element of danger would be multiplied; for the reason that we would have to run on some parts of our road one-fourth more trains than we did to have handled the business. As to the employees being injured or killed on the line on account of trains of 50 cars or more, there were no employees killed and only 14 injured. Trains of 50 cars or less killed 9 employees and injured 102. You can readily see from the fact that the percentage of trains run on our line is so even as between the heavy and light trains, that were the dangers as spoken of by Mr. Dodson so pronounced in the heavy trains that there is no reason why the same percentage of injuries and deaths should not have been carried out in the same proportion as to the number of trains.

The accidents as I have mentioned included struck by trains, falling from trains or in train accidents. There were no employees killed by trains of 50 cars or more. Of the nine killed by smaller trains, two were struck by trains; two by falling from cars; one while getting on; one while getting off; one while coupling, and one being struck by an obstruction. None of these accidents were in any way connected with whether a train had 100 cars or whether it had 20 cars. As to the other employees killed or injured by trains, there were four killed and fourteen injured by the 50-car trains and there were twenty-two killed and sixty-one injured by the less than 50-car trains. Of the four killed by train of more than 50 cars, none were killed in train accidents or in any way connected with the big train feature; all of them were killed by falling from trains or getting on or off cars. Of the twenty-two killed by the smaller trains, six of them were trespassers getting on or

off cars and sixteen by being struck by trains. These figures clearly demonstrate to my mind that the more trains we run the more danger there is, and I think this can be clearly shown by the fact that there are a great many more people killed or injured on the railroads that have the extensive train service in the north, such as the Pennsylvania and New York Central, than in the south where the trains are not so thick and there is not the element of danger.

The danger of trains parting—This is one of the elements of railroading that none of us have as yet been able to entirely overcome. We are using on the C. & O. Ry. a larger percentage of steel freight cars than any other of the large trunk lines, and stand within two or three of the top of the list of the steel composit construction cars, which, as far as the handling of the train is concerned, is a steel constructed car. To bear out this feature of our statement, we operated in the State of Virginia in the year 1913, 20,713 trains handling more than 50 cars, and we have had trouble due to trains parting with only 807 of these trains; or, in other words, less than 4 per cent. of the trains that we operated handling more than 50 cars, we had trouble of any kind as to parting. The trouble with trains parting of less than 50 cars was 2.5 per cent. There is such a little difference between the larger trains and the smaller trains, in this particular feature of train operation, that I do not believe it is one that can be consistently considered. For your information, the Interstate Commerce Commission report compiled from 1902 to 1912 shows that of the total number of accidents in railroad service, only eleven accidents of a serious nature have been caused by trains parting.

Mr. Dodson also brings out the feature of danger of big trains parting or air hose bursting and train buckling over on to the other track of a double track railroad. Mr. Dodson does not, show, however, the number of accidents on double track lines that have been caused where trains on

opposite track ran into obstruction caused by accidents of the train where other than train parting or burst air hose was responsible. To my knowledge the C. & O. has never had what is termed a double track wreck; that is a train running into a derailed train on the opposite track.

Considering all the facts that I have tried to present to you, it seems to me that any bill that is passed by the Virginia Legislature which curtails the earning power of this railroad, which operates 880 miles in Virginia, will be one of the most detrimental steps to the future development of the State.

Before closing our statement, I want to call the attention of this committee to the importance of the C. & O. Ry. as a revenue producer to the citizens of Virginia. Our statements show that within the last ten years we have paid to the employees of the C. & O. Ry. in Virginia $41,000,000. Our pay rolls for the year 1913 were $5,200,000. Therefore, it can readily be seen what the result will be if such legislation as is proposed is enacted, towards the citizens of Virginia.

STATEMENT OF MR. BERLINGETT.

Mr. Chairman and Gentlemen:

I represent the Virginian Railway, a short road, and possibly a short talk will do for it. You can rest easy that I will not detain you very long.

The Virginian, I expect the committee has not heard very much about. It runs from the coal fields of West Virginia through the State of Virginia to tidewater at Norfolk. Its greatest mileage is in the State of Virginia, so that Virginia derives most of the result of the road having been constructed. The road was built for the purpose of developing territory that was lying dormant not only in West Virginia, but in Virginia as well. It has opened up a large territory in this State that heretofore was inaccessible to any railroad. The Virginian road was built with

a knowledge that its principal business would be a very low revenue carrying traffic. It necessarily followed that the road had to be so constructed as to admit of handling long freight trains if it existed at all or came into existence. The road was so constructed. It forced its way through Virginia on a low grade at a very heavy cost. The percentage of the coal handled by the Virginian road is eighty-five per cent. of its total freight business. The Virginian Railway gets less money for handling a ton of coal one mile than any railroad in the world without any exception at all. I wish to give you a few figures to show you the value of the Virginian road to this State, and the same, in a large measure, applies to other coal carriers, too. It does apply to them entirely so far as this state is concerned. The English railways receive over twenty-three mills for hauling a ton of coal one mile. The German and French railways receive fourteen mills for hauling a ton of coal one mile. The average on American roads, outside of coal carriers, is seven and four-tenths mills, about one half the European roads and very much less than the English roads. The Virginian Railway receives three mills and four-tenths of a mill for handling a ton of freight one mile. Its rate for handling a ton a mile is but three mills. Just think of that and what it means in advantage to this State! All this coal is hauled clear across the State, and this State, with its harbors, gets the full benefit of the activities of these coal carrying roads. The Virginian is an asset to this State that would equal any possible thing you could have. As I stated yesterday to the House Committee, it is an asset equal to a second Panama Canal clear across your State. Now, if this bill were made a law, it would mean running on the Virginian road 4,678 additional freight trains in a year, or 539, 744 additional train miles. These are figures that are susceptible of proof; we are not guessing at it at all, because we know just what we need to handle our present traffic if we had to reduce our trains. The added cost to the Virginian would be $982,549 in one year.

That is for train expenses alone. There would be a great deal of other expenses which would run it up to over a million dollars. Now, gentlemen, you can picture what that would mean to a small road. It would mean absolute ruin, financially. The road would not be able to pay the interest on its mortgage bonds, although at the same time it is mortgaged for less than half the actual money put in the construction of the road. These bonds are in the hands of the public too. It only represents one-half the money. The balance of the money never has paid any interest; we are not earning it now. The road, without any question, would have to go into a receivership. We are not earning a surplus that could meet that loss at the present time, although the past year has been our most prosperous year. That is not all that would happen either. In addition to the money spent for low grade, the Virginian has in use the most modern high power locomotives; it has in use and is equipped with the strongest and best design of steel car equipment that is known. We have no trouble with it. We are able to handle our trains successfully and comfortably. We would have to go out, gentlemen, and purchase at once, if this bill became a law, double the number of locomotives that we now have, because it means cutting our trains in two. That would cost several million dollars. How could we with an impaired credit do that? It would be absolutely impossible. We would show that we were doing business at a loss. We could not raise any money. There would be but one thing that could be done and that would be a curtailment of traffic at its source, in other words, a reduction of output at the mines. That is the only way that it could be taken care of. We could not handle the traffic. We could not run any more trains of fifty cars than we are now running with one hundred. Either that or the coal would be diverted around Virginia, and we do not think that this committee is going to lend its aid in building a Chinese Wall around this State so far as this coal traffic is concerned.

Now, I have not said anything about accidents and personal injuries due to long trains. We heard a great deal about that. There could not be any more erroneous claim made. Doesn't it stand to reason, if you gentlemen think it over yourselves, that the more trains that are run, the more men are involved and the more accidents will happen, and the more men will be injured and killed? More people get killed and injured on the Pennsylvania Railroad, although they have all the safety appliances imaginable, than there is, mile for mile, on any railroad in this State. Now, the reason is plain—they run more trains. Isn't it fair to say, or isn't it a fair conclusion to reach, that, if we have to double the number of our trains, and run the light or short trains, there would be more people hurt than there are by running a few long trains? It is a reasonable proposition.

Now, the conductors' representative gave you a lot of statistics. These statistics, if I caught them right, cover a period of twenty-four years. When you go back a few years, nearly everything was short trains, so that it referred nearly entirely to short train service. The cases mentioned, too, were particularly isolated cases where the details were mentioned. Now, we have facts and figures to show just what does happen, and I will give you a few more figures. Since the Virginian Railway commenced operation, five years ago, we have not killed a single man that could be attributed in any way to the operation of a long train. There has been no death at all, even among employees, that had anything to do with the operation of a long freight train. In personal injuries, during the period of two years, ending June 30th, 1913, on trains of fifty cars or over there was one person injured to every 498 trains run, or one to every 57,270 train miles; while, on trains of less than fifty cars one person was injured to every 221 trains, or one to every 24,341 train miles. This shows that the number injured on short trains was greater by more than 100 per cent. in two years. Now, of the persons injured during

the two years (we have so few cases I can just mention the cases and show you the causes), only two conductors—I have not got all of them, but I just want to show you how many of the men who are back of this bill were injured. None of them were killed. There were only two in two years. One of those men was injured by letting a knuckle pin fall on his toe, and the other was knocked over in the caboose on account of having been struck by a switch engine in the yard. A long train had nothing to do with it.

Mr. Dodson mentioned that, on account of so many men being hurt, it resulted in bringing into use a lot of green men. I think the passing of this bill would bring in a myriad of green men, increasing the number so. That is what it would mean, because we would have to reach out and pick farmers off the farm to put on our trains, making non-producers out of producers. Do you think that is working in the right way? That is the only thing we could do. The railways to-day, doing normal business, can't get enough men to man the trains as they stand now; they are always short, that is, the country over, when business is fair. We have trouble in finding enough men when our business is at a proper stage. Say, we would have perhaps to double these men—we would have to import them from Germany or the English railways. That is, good men. We have lots of good men now. We could not get enough experienced men if this bill is made a law. That is one of the most serious aspects of the case.

Now, we hear a good deal about the hardships. I will just give you a few figures about that and I will quit. In our long freight train districts, which are 125 and 126 miles long, the average time put in with these long trains on the road is nine hours and forty eight minutes, and we operate the longest freight divisions of any road in Virginia as well as the longest trains; that is from one terminal to the other, the length of time that a man is on duty.

We also heard a good deal about getting tied up on the road on account of this 16-hour Federal law. During

the past year on the Virginian road in Virginia (nearly all our mileage is in Virginia) there occurred only twelve cases, or instances, of a train crew on trains of over fifty cars tying up on the road out of 5,976 trains run. That would mean that a man would have to run about 500 days before he would get caught in that fix. It is not very serious on our road; it is not noticed. The causes of these trains tying up (it was not on account of long trains) were six on account of line blocked by derailment, two bridges washed out, one bridge torn up, one by an engine not steaming and two on account of train breaking in two. The average delay to all our trains (and we run 100 per cent. long trains in Virginia, everything being long trains with us, except of course our local trains) of over fifty cars, on account of breaking in two, is eight minutes per train. Well, it is not a serious proposition on the Virginian road.

The Virginian road was known from its inception as the road that would have to handle long trains. At the time the men in the engine and train service commenced work, on entering the service, they were aware of that fact. They made no complaint then and are not making any complaint now. There must be something back of this bill besides the bill as a measure of safety or inconvenience or discomfort. We actually have a case on record in our superintendent's office where a conductor (one of the conductors belonging to this organization who are backing this bill) claimed by his seniority that he was being discriminated against, wasn't treated right, because the superintendent had him running on one of our small trains, an 80-car train, and he wanted to run a 100-car train. His engine was too small for a 100-car train and he demanded one of the other engines. That is a matter of record. He thought it was more comfortable, a 100-car train, and said so. I think the most charitable thing you can say is, I believe the conductors are honest, but they are under a misapprehension of the situation. Mr. Dodson said that he did not want to ruin the railroads; at the

same time he is making an awfully good imitation of trying it, and I know it has us scared; and I tell you, gentlemen, there is not any question at all as to what will happen; and this State can't afford to take a backward step. There is nothing that could keep the Virginian out of a receivership. We could not make any improvements or progress or development. The conductors, it seems to me, are not seeking this matter in a broad way. I am just speaking from my own deductions, personally. They have evidently gone out with a blanket order to get a 50-car train bill all over the United States. Virginia is peculiarly situated as to train divisions on account of low ton mile rate on coal. That is caused by the long haul. It might be possible that in some states there would not be injury to the state because it might not be felt by the railways; but that is not the case in Virginia. It would be an injury to the employees, themselves; it wouldn't have the effect they think it would; it would not result in employing more men, because we could not afford to run the additional trains. I think this bill should never leave a House or Senate Committee with one single vote favorable to it.

Mr. Buchanan: If this question had been agitated in your country before Mr. Rogers built the road, would he have built it?

Mr. Berlingett: No, sir.

STATEMENT OF MR. W. H. WELLS.

Mr. Chairman and Gentlemen of the Committee:

I am an engineer on the Virginian Railway, hauling the through trains, or the coal trains, that our General Manager has told you about. I am not prepared to give you any long list of facts by figures; I shall only give you facts as they actually exist in every-day work on the railroad, as a locomotive engineer. Having no warning that I was expected to appear here, I am without any data other than what I have heard stated by the gentlemen who have spoken ahead of

me. I shall only endeavor to answer some of the things that were stated to you by the gentlemen of the opposition.

The Honorable Mr. Meetze, of the House of Delegates, told you of the wonderful trains that we pulled in this country. I say to you, gentlemen, that I have the distinction of having pulled more cars per day's work than any other man in the United States in the last four years. That is a very broad assertion. My trains daily consist of 100 cars each way, 100 loads to the seaboard and 100 empties back. I handled the largest train that there is any record of in the State of Virginia, which consisted of 120 loaded cars. They tell you of the enormous length of trains in this country. The gentleman spoke of a train of 100 cars being a mile and a quarter long. The longest cars that we have any record of in this country are circus cars of the circuses that travel through the country. We do not handle those cars on our line; but if you will take your pencil and figure, you will find that these 100 cars don't make a mile and a quarter. The Virginian Railway handles the longest coal cars in the State. Those cars are forty-four feet long, standing at rest, without the drawbars stretched. It takes by actual measurement just 120 of these cars to make 5,280 feet, which is one mile. One of these trains loaded to excess, ten per cent. over load limit, or to the load limit of ten per cent. over the regular capacity, gives you 55 tons to the car. One of these trains of 120 cars, pulled through the State of Virginia by myself, weighed 9,120 tons between the engine and caboose. It was handled over a distance of 126 miles in eight hours and eleven minutes. The train, itself, met with no accident and nobody got a jar on the caboose that I know of. The gentleman says he lived eight years in shanty cars, and I feel sorry for him if he did. That is a hard life to live. I have been on construction myself and know what it means. He tells you this was a good many years ago, when they pulled short trains, but he had his beans spilled by the jar of the caboose, and had his fat meat upset. So have I. We handle shanty cars on the

Virginian behind our 100-car trains. We came out of Sewell's Point the other night with seven shanty cars behind 93 cars. They were old, worn-out wooden box cars, and the crankiest old man in the State of Virginia was the boss of those cars—Mr. Cahill. Some of the C. & O. and Norfolk & Western people may know him. If you upset a cup of coffee for that old man, he is going to tell you the first time he gets over to the engine. We handled another man over there, an old man, a bridge foreman, Mr. Bates, behind our 100-car train. I heard no complaint from him. I can go over the road any day, and, if I am hungry, I can stop at these shanty cars and they will give me something to eat.

The gentleman spoke to you about the danger of the air hose bursting. As a matter of course, the air hose will burst. They are made of rubber and they are put under a pressure normally of seventy pounds to the square inch, which is very high for rubber hose. We do not always have perfect, absolutely perfect, equipment on a railroad; that is an impossibility. If we never had any air hose to burst, the men who make it would probably have to go out of business, as they would not have any air hose to make. We will take, for instance, the short train that the gentleman spoke about handling. It is a known fact that the air that goes through this hose comes from the locomotive. If you have leaks, you decrease that pressure and make it hard to keep up the full pressure as a matter of course. On a short train, you would always have the pressure, therefore, the greater liability to burst the air hose, causing this trouble, which is absolutely a fact because the source of your air is from the locomotive, and you have to have that to handle both long and short trains.

He spoke about pulling out drawbars. I handle 100 cars every day. The Virginian has been in operation almost five years, I believe the second of next month makes five years in operation. In that length of time there has never been a drawbar pulled out of one of their cars in one of their heavy long trains, and I do not know of but one or

two instances where a drawbar was broken off. We break knuckles; that is an absolute fact. I think I have broken four or five in the last year. My conductor told me the other day his record showed I had broken five in a year. We often break knuckle pins. If we did not break them, somebody would have to go out of business. They are bound to break. They are nothing but an inch and an eighth iron pin that holds the knuckle in.

They tell you of terrible things happening upon the trains. Mr. Berlingett does not look scarred up much, and I have seen him have his private car on the rear of a 100-car train; I have seen the "Dixie" on the rear of a 100-car train repeatedly.

The gentleman asked how many rode. It is no novelty to find our officials on our trains; they ride the rear of these trains any time.

The gentleman tells you how much safer it would be to handle a short train. I am speaking of 50-car trains. That is just half the train I handle at the present time. At the present time I am handling trains of 100 cars, which give me the friction, or braking power, of 800 wheels. As the gentlemen who spoke to you have told you, already the railroads of this State have asked for bids from car manufacturers for cars to carry 100 tons—200,000 capacity cars.

Let me say that the only reason for advocating this bill is to save the man shoe leather; he doesn't have to walk so far when he comes up to cuss the engineer out for putting the air on too hard. Many a time, dozens of times, my conductor bids me good-by when he gives me an order at the other terminal, and he says, "I will see you when we leave on the next trip." Somebody jumps up and says, "How can that be?" For the simple reason that we railroad under standard rules, use the 19 order system, and we don't need him; he is not up there and he never shows up on the head end. I make trip after trip and never see the conductor and never see the brakeman from the time

I leave one terminal until the time I leave the terminal coming back the next day.

Now, he tells you that it will be so much safer. I will tell you what the actual figures are in braking on a freight train. The braking power of these cars is figured from 85 per cent. of the light weight of that car. Let me say that I am not coached at all on this thing. I know that I am trampling on the railroad management's toes when I make this assertion, nevertheless it is true, and I am a citizen of Virginia here to give you the truth as I understand it. The braking power on these cars is figured from 85 per cent. of the light weight, which, if loaded, a 50-ton car, we have got 22 per cent. of that weight affected by the braking power. In 70-ton cars, tests made in the State of Virginia recently (the cars are standing in this city at the present time), in 70-ton cars, or 140,000 pounds capacity, the braking figures from 85 per cent. of the light weight of the car; they lost an enormous amount—from 22 per cent. down to 16½ per cent. of the braking power. All you do, when you cut these trains in two, you will ask the engineer to go thundering down through this country with 50 cars behind him and the weight of 100 cars, and half the wheels to do the braking he has on a 100-car train. I know that the ratio does not decrease as fast as some people think it does, but, when you take the difference between 22 per cent. and 16 per cent. you will see you have lost about 5½ per cent. of the braking power, which is a wonderful thing in the hands of an engineer.

They ask you about the uniformity of the brakes on these trains. I will make this assertion and can prove it by actual figures, that you can set a stake where our men (I am not the only man on the Virginian Railway that handles 100 cars), handling 90 or 100 cars, tell you that they are going to begin braking, and where they do do braking, and nine times out of ten he will stop his engine within half an engine length of any given point, or where he expects to. That shows you under what control they have the 100-car train.

The engineers run and are responsible for the stopping of the train unless the conductor happens to think of something and gets mad and reaches up and pulls the air and stops it in the caboose. As we say, he pulls the calf's tail and pulls a drawbar out of the head end, and then there is trouble.

I want to say to you in reference to the endorsement of this bill (being with the Virginian Railway where we handle these long trains) that every engineer on the First and Second Divisions, where these 100-car trains are handled, voted unanimously against this bill. I want to tell you (and it may be news to some other people in this room who are affected) that every engineer on the C. & O. Railway less than ten days ago voted in opposition to this bill, and that every engineer on the R. F. & P. Railroad voted in opposition to this bill. I can't tell you what they do any place only where I know what I am talking about. I know this to be a fact: If there is any truth in the brotherhood of man, every conductor on the Virginian Railway, except four, voiced their sentiment against this bill, and did it openly. There was quite a little bit of laughter when my General Manager told you that a conductor on our road wanted to pull a 100-car train. That is an absolute fact. I can make it stronger than that. This same conductor is the oldest freight conductor on our road. He turns down all the local freights for this 100-car train. He is the next man for a passenger train. He has put in his petition, or has sent a letter to the superintendent—I don't know that my General Manager knows this, but I know it because I heard him say so, that he does not want to be called in the extra passenger service; he prefers to run this 100-car train until such time as he may be able to handle these passenger trains regularly. Another man, a staunch member of this organization that got up this bill, has made the assertion boldly, that, while he is a regular passenger conductor, if it were not for just one thing (that he has the turn to obtain promotion) he would rather have a 100-car train than a passenger train. It is more comfortable; he wasn't jostled

around. That shows you what the railroad men on the Virginian Railway think of this 50-car law.

Somebody asked (I believe it was the Chairman of this committee) if they ever pulled out drawbars or pulled out drawheads or broke drawheads on short trains. They got quite a laugh on me on the Virginian. I handle 100-car trains every day, as a rule. About one month ago, about Christmas time, when business was slack on our road, they called me for the work train (I was at Sewell's Point) and started me out with one car, and I did jerk a drawbar out of that car before I got eight miles. That is a fact. It is the truth; nevertheless I can't help it; and I surely got hurrahed for it. I handle 100 cars every day, and I handled one car and jerked the drawhead out. It was a wooden car though.

I don't know that I have anything further to say.

Mr. Walter Taylor: I think Mr. Dodson stated the conductors were not willing to ride in the caboose on the long trains. Is that true?

Mr. Wells: They bid me good-by when I leave the terminal, and I never see them until the next trip.

Mr. Taylor: Then, where are they?

Mr. Wells: Back in the caboose. I will say this, that we have on our line a code of signals, which are adopted by our company, and, in case we need the conductor for anything, we have a whistle to call him over. If we have an order to sign, we give one long blast of the whistle and one short one, which is the train order signal on our line, required of all enginemen to blow when we get to a meeting point. We blow the signal station and then blow one long blast and one short one, which is the signal to the conductor that we have orders affecting us at that station. If we stop and the order board is out, we blow one long blast of the whistle and a short one to call the conductor.

Mr. R. B. Bruce: We deem it unnecessary to take up more time of the committee. Mr. Potter, the President of the C. C. & O., is here, but we will not insist that he make

any talk. The matter has been well covered and the time seems to be short.

The Chairman: Does anybody else want to be heard?

Mr. Buchanan: We have got some engineers from the Norfolk & Western.

STATEMENT OF MR. C. T. HESLEP.

Mr. Buchanan: Where do you work?

Mr. Heslep: Norfolk & Western.

Mr. Buchanan: How long have you been an engineer?

Mr. Heslep: About twenty-two years.

Mr. Buchanan: You heard the discussion before the House Committee and this afternoon on this bill?

Mr. Heslep: Yes, sir.

Mr. Buchanan: What is your opinion, based on experience, as to the effect of the passage of this bill, on the operation of trains, both as to the public and employees?

Mr. Heslep: By increasing the number of trains, you increase the hazard to both the employees and the public.

Mr. Buchanan: You multiply your trains?

Mr. Heslep: Yes, sir, and multiply your hazard in injuring employees.

Mr. Buchanan: What kind of accidents would you increase?

Mr. Heslep: Head-end collisions and tail-end collisions, and people getting on and off the trains and people on road crossings.

Mr. Buchanan: Who gets caught on the collision?

Mr. Heslep: The engineer and fireman generally get it first. If the conductor or flagman are asleep, they get it before we do.

Mr. Buchanan: In your opinion, it would not be in the interest of safety to pass this bill?

Mr. Heslep: No, sir.

STATEMENT OF MR. MAXEY.

Mr. Buchanan: Are you an engineer on the Norfolk & Western?

Mr. Maxey: Yes, sir.

Mr. Buchanan: How long have you been an engineer?

Mr. Maxey: About nine years.

Mr. Buchanan: Will you state to the committee what is your opinion, based on your experience, whether it will promote safety by passing this bill?

Mr. Maxey: I think it will increase accidents by running more trains.

Mr. Buchanan: From what source would accidents arise?

Mr. Maxey: Head-end collisions and rear-end collisions and the air hose bursting and the application of the automatic brakes, etc.

Mr. Buchanan: Your idea is that this would increase the hazard in the operation of trains?

Mr. Maxey: Yes, sir.

Mr. Dodson: I just want to call the attention of the committee that I have submitted a brief, which outlines our position thoroughly in this matter, for the consideration of this committee, which brief was drawn by a committee of ten men who handle these trains; and I want to call the attention of the committee especially to the addresses of the last two gentlemen who have been put on the stand, who are engineers on the Norfolk & Western. I have the documents in my possession, and can produce them if you so desire, showing that the lodges of the Brotherhood they belong to endorsed this Car Limit Bill that we presented here.

Mr. Heslep: I have been informed by our men on the Legislative Board, that they came down flat on it.

Mr. Maxey: I have also been informed. I am only speaking for myself.

(The committee went into executive session.)

This bill was passed by indefinitely by both the Senate and House Committees, and not only did not reach the floor of either body but was not reported out of the respective committees.

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